



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the Act”)**

**Chamber Ref: FTS/HPC/EV/19/0895**

**Re: Property at 1 Motherwell Street, Airdrie, ML6 7EJ (“the Property”)**

**Parties:**

**Mr Manvir Singh, 49 Blairhill Street, Coatbridge, ML5 1PH (“the Applicant”) per his agents, Jewel Homes, Atrium Business Centre, North Caldeen Road, Coatbridge, ML5 4EF (“the Applicant’s Agents”)**

**Miss Natalie Stevenson and Ms Vicky Rodden, 1 Motherwell Street, Airdrie, ML6 7EJ (“the Respondents”)**

**Tribunal Members:**

**Karen Moore (Legal Member)**

**Decision (in absence of the Respondents)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an Order for Possession be granted.**

**Background**

1. By application received between 19 March 2019 and 12 April 2019 (“the Application”), the Applicant’s Agents, on behalf of the Applicant, made an application to the Tribunal for a possession order in terms of Section 51 of the Act and in terms of Rule 109 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”). A copy of the tenancy agreement between the parties, a rent statement showing arrears of rent of more than an amount equal to or greater than one month’s rent and rent arrears of more than three consecutive months due, a copy of a Notice to Leave with proof of service and a copy of notice in terms of Section 56 of the Act to North Lanarkshire Council with proof of service were lodged as part of the Application.
2. On 29 April 2019, a legal member of the Tribunal with delegated powers of the Chamber President accepted the Application and a Case Management

Discussion ("CMD") was fixed for 12 June 2019 at 11.30 at The Glasgow Tribunals Centre, Room 111, 20 York Street, Glasgow, G2 8GT. The CMD was intimated to all parties.

3. The Respondents made no written representations to the Tribunal in respect of the Application.

#### **Case Management Discussion**

4. The CMD took place on 12 June 2019 at 11.30 at the said Glasgow Tribunals Centre. The Applicant was not present and was represented by Ms. Vikki McGuire of the Applicants' Agents. Neither of the Respondents was present or represented. Ms McGuire advised me that the Respondents had contacted her earlier on 12 June 2019 to ask for the address of the said Glasgow Tribunals Centre. Therefore, I delayed that start of the CMD to allow the Respondents to arrive or to contact the Chamber. The Respondents not having arrived and not having contacted the Chamber by 11.40, I commenced the CDM in their absence.
5. Ms. McGuire confirmed the Order sought. Ms. McGuire advised me that no rent had been paid since a payment of £50.00 on 23 November 2018 and that the current sum due amounts to £6,950.00, being in excess of three consecutive months' rent.
6. Ms. McGuire advised me that she had been in contact with the respondents during the tenancy in respect of the rent position and that, as far she knew, the Respondents were not eligible for housing benefit. She advised me that as far as she knew the Respondents had several school age children but had no specific information in this regard. Ms. McGuire advised me further that the Respondents, in the last few days, had offered a payment plan to clear the arrears but the Applicant was not prepared to accept this as the Respondents had defaulted on previous plans and had failed to pay the current rent.

#### **Findings in Fact**

7. From the Application and the CMD and having no reason to disbelieve Ms, McGuire, I found that a tenancy agreement had existed between the Parties at aren't of £850.00 per month and that a Notice to Leave in the correct statutory format had been served on the Respondents by the Applicant's Agent. I found that at the beginning of the day on which the Tribunal first considered the Application an amount of rent of more than an amount equal to or greater than one month's rent and rent arrears of more than three consecutive months due and that at the date of the CMD the rent due and owing by the Respondents is £6,950.00. I found that the notice in terms of Section 56 of the Act had been properly intimated to the relevant local authority. Accordingly, I found that the statutory and provisions required to terminate the tenancy between the Parties had been satisfied.
8. From the CMD, and having no reason to disbelieve Ms, McGuire, I accepted that the Respondents were not eligible for housing benefit and so was satisfied that the rent arrears are not as a consequence of delay or failure of relevant benefits. I accepted that the Applicant had attempted to assist the

Respondents by allowing payment plans but the Respondents had defaulted on the said payment plans. I accepted that there may be school age children residing in the Property.

**Decision and Reasons for Decision**

9. Having found that the correct statutory procedure had been followed and that an eviction ground in terms of Paragraph 12 (1) (a) and (b) of Schedule 3 to the Act is satisfied, and, having found in terms of Paragraph 12 (4) of Schedule 3 to the Act that the rent arrears are not as a consequence of delay or failure of relevant benefits, I had regard to Section 51 of the Act which states that “the First-tier Tribunal is to issue an order if one of the grounds in schedule 3 applies”.
  
10. I then had regard to Rule 17(4) of the Rules which state that the Tribunal “may do anything at a case management discussion which it may do at a hearing, including make a decision” and, accordingly, I determined to grant an Order for possession.

**Right of Appeal**

In terms of Section 46 of the Tribunal (Scotland) Act 2014, a party aggrieved by the decision of the Tribunal may appeal to the Upper Tribunal for Scotland on a point of law only. Before an appeal can be made to the Upper Tribunal, the party must first seek permission to appeal from the First-tier Tribunal. That party must seek permission to appeal within 30 days of the date the decision was sent to them.

**K Moore**

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Legal Member/Chair

*12 June 2013*

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Date