



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 51(1) of the Private Housing (Tenancies) (Scotland) Act 2016 (Act)**

**Chamber Ref: FTS/HPC/EV/19/0952**

**Re: Property at 49C Royal Street, Gourock, PA19 1PP (“the Property”)**

**Parties:**

**Mr Philip Johnson, Flat 2/1, 61 Orleans Avenue, Glasgow, G14 9NG (“the Applicant”)**

**Miss Lynsay Robertson, 49C Royal Street, Gourock, PA19 1PP (“the Respondent”)**

**Tribunal Members:**

**Alan Strain (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that**

**Background**

This is an application for eviction/recovery of possession of the Property in terms of section 51(1) of the Act and Ground 12 of Schedule 3 to the Act.

The Tribunal had regard to the following documents:

1. Application dated 19 March 2019;
2. Tenancy Agreement dated 11 October 2018;
3. Notice to Leave and proof of service dated 19 February 2019;
4. Statement of Arrears as at 11 March 2019;
5. Section 11 Notice;
6. Certificate of Service of CMD Notification by Sheriff Officers dated 25 April 2019.

**Case Management Discussion (CMD)**

**A Strain**

The case called for a CMD on 30 May 2019. The Applicant was present and represented himself. The Respondent did not appear and was not represented.

The Tribunal was satisfied that the Respondent had notification of the CMD and that the Tribunal could determine matters in her absence if it considered that it had sufficient information and it was fair to do so.

The Tribunal noted from the Applicant that the current arrears were £2,769.20 and that the Respondent was not in receipt of any benefit as far as he was aware.

Having heard from the Applicant and considered the documents the Tribunal made the following findings in fact:

1. The Parties entered in to a tenancy dated 11 October 2018;
2. The monthly rent was £480;
3. As at the date of the CMD the arrears were £2,769.20;
4. The Respondent had not made any payment of rent since 1 February 2019;
5. As at the date of the CMD the Respondent had been in excess of one month's rent in arrears for a period in excess of 3 consecutive months;
6. The failure to pay rent was not due to any delay or failure to make payment of a relevant benefit.

The Tribunal considered the requirements of Ground 12 and were satisfied that the elements of Ground 12 were met. The Tribunal was accordingly satisfied that it had sufficient information upon which to make a decision and that it was fair to do so.

### **Decision**

The Tribunal grants the order for eviction/recovery of 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.

# **A Strain**

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Legal Member/Chair

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Date

*30 May 2019*