



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

**Chamber Ref: FTS/HPC/EV/19/1902**

**Re: Property at 31 Glencairn Terrace, Kilmaurs, Kilmarnock, KA3 2SL (“the Property”)**

**Parties:**

**Mr William Lobley, c/o Infiniti Properties, 1016 Argyle Street, Glasgow, G3 8LX (“the Applicant”)**

**Miss Amy Lennon, 31 Glencairn Terrace, Kilmaurs, Kilmarnock, KA3 2SL (“the Respondent”)**

**Tribunal Members:**

**Alison Kelly (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the order for eviction should be granted.**

**Background**

On 20<sup>th</sup> June 2019 the Applicant’s solicitor lodged an application seeking eviction of the Respondent, using grounds 11, 12 and 14 of Schedule 3 of the Private Housing (Tenancies)(Scotland) Act 2016.

Lodged with the application were:

1. Copy Tenancy Agreement
2. Copy Notice To Leave with email proving service
3. Rent Statement
4. Section 11 Notice
5. Photographs

## **Case Management Discussion**

The Applicant was represented by Michael Ritchie of Hardy Macphail, Solicitors. The Respondent did not appear and was not represented.

Mr Ritchie moved that the eviction order be granted. He sought it in terms of Ground 12 only. He submitted that the Notice To Leave was correct and had been served in accordance with the rules and legislation. He said that at the time of the Notice being served the Respondent was in arrears in the amount of £824. At the time the application was lodged the arrears stood at £2304, being more than one month's rent, and that the Respondent also being in arrears for a continuous period of three or more consecutive months. He produced an up to date rent statement.

## **Findings In Fact**

1. The parties entered in to a tenancy agreement for the property;
2. The monthly rent was £370;
3. At the time the Notice to Leave was served the arrears were £824;
4. At the time the application was lodged the arrears were £2304;
5. At the time of the Case Management Discussion the arrears are £3784.

## **Reasons For Decision**

The Applicant satisfied the Tribunal that the Respondent was in arrears as per the Findings in Fact and therefore Ground 12 had been established.

## **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.**

**Since an appeal is only able to be made on a point of law, a party who intends to appeal the tribunal's decision may wish to request a Statement of Reasons for the decision to enable them to identify the point of law on which they wish to appeal. A party may make a request of the First-tier Tribunal for Scotland (Housing and Property Chamber) to provide written reasons for their decision within 14 days of the date of issue of this decision.**

Where a Statement of Reasons is provided by the tribunal after such a request, the 30 day period for receipt of an application for permission to appeal begins on the date the Statement of Reasons is sent to them.

**A Kelly**

Legal Member/Chair

J

Date

19/8/19