



**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/19/1950**

**Re: Property at 62 Pentland Park, Livingston, West Lothian, EH54 5NS (“the Property”)**

**Parties:**

**Newport Asset Management Ltd, Firth Road, Houston Industrial Estate, Livingston (“the Applicant”)**

**Mr Michael Sutherland, 62 Pentland Park, Livingston, West Lothian, EH54 5NS (“the Respondent”)**

**Tribunal Members:**

**Karen Moore (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 Possession be granted**

1. By application dated 22 June 2019 and subsequent dates (“the Application”), 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”).
2. The Application comprised copy of a private residential tenancy agreement between the Parties at a monthly rent of £575.00, copy Notice to Leave with evidence of service citing rent arrears over three consecutive months as the grounds for eviction, copy rent statement showing rent due and owing by the Respondent to the Applicant of more than three consecutive months and copy Notice in terms of Section 11 of the Homelessness etc (Scotland) Act 2003 to the relevant local authority.

3. On 21 August 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 11 October 2019 at 10.00 at Riverside House, 502, Gorgie Road, Edinburgh EH11 3AF. The CMD was intimated to both Parties.

#### **Case Management Discussion**

4. The CMD took place on 11 October 2019 at 10.00 at the said Riverside House. The Applicant was represented by Mr. John Allen who confirmed the Order sought. The Respondent was not present and was not represented.

#### **Findings in Fact**

5. From the Application and the CMD, I found that a tenancy agreement exists between the Parties, that a competent Notice to Leave was served on the Respondent, that the notice in terms of Section 11 of the Homelessness etc (Scotland) Act 2003 had been intimated to the relevant local authority and that rent arrears over three consecutive months is lawfully due and owing by the Respondent to the Applicant. Accordingly, I found that the statutory provisions had been satisfied.

#### **Decision and Reasons for Decision**

6. Having found that the correct procedure had been followed, I had regard to Section 51 of the Act which states that, in these circumstances, "the First-tier Tribunal is to make an order" and to Rule 17(4) of the Rules which states 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 without further procedure.

#### **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.**

Karen Moore

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**Legal Member/Chair**

11 October 2019

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**Date**