



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

Chamber Ref: FTS/HPC/EV/19/3706

Re: Property at 30 Eden Grove, East Kilbride, G75 8XU (“the Property”)

Parties:

**The Church of Scotland General Trustees, 121 George Street, Edinburgh, EH2
4YR (“the Applicant”)**

**Mr Brian Coyle Tennant, Mrs Barbara Burns Tennant, 30 Eden Grove, East
Kilbride, G75 8XU; 30 Eden Grove, East Kilbride, G75 8XU (“the Respondent”)**

Tribunal Members:

Jim Bauld (Legal Member)

Decision in absence of the Respondents

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

Background

By application dated 18 November 2019, the applicant sought an order under section 51 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the Act”) and in terms of rule 109 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017. On 28 November 2019 the application was accepted by the tribunal and referred for determination by the tribunal.

A Case Management Discussion (CMD) was set to take place on 22 January 2020 and appropriate intimation of that hearing was given to both the landlord and the tenants

The Case Management Discussion

The Case Management Discussion (CMD) took place on 22 January 2020. The applicants were represented by Mr David Di Paola, Solicitor, Church of Scotland legal department. The Respondents did not attend

The tribunal explained the purpose of the CMD and the powers available to the tribunal to determine matters

The tribunal asked various questions of the solicitor with regard to the application and the grounds for eviction contained within it.

The landlord's solicitor confirmed that he wished the order sought to be granted

Findings in Fact

The Applicant and the Respondents as respectively the landlord and tenants entered into a tenancy of the property which commenced on 31 July 2018.

The tenancy was a private residential tenancy in terms of the Act

The agreed monthly rental was £1200

On 25 September 2019 the applicant served upon the tenants a Notice to Leave as required by the Act. The Notice became effective on 24 October 2019.

The notice informed the tenants that the landlord wished to seek recovery of possession using the provisions of the Act.

The notice was correctly drafted and gave appropriate periods of notice as required by law.

The notice set out a ground contained within schedule 3 of the Act, namely ground 12 that the tenant had been in arrears of rent for three or more consecutive months

Arrears had started to accrue on 9 August 2018 and at the date of service of the Notice to Leave amounted to £7,571.87.

At the date of the CMD, arrears amounted to £11,561.57

The tenants had been continuously in arrears from August 2018 until the date of the CMD.

The amount of arrears exceeded one month's rent at the date of the CMD

The basis for the order for possession was accordingly established

Reasons for Decision

The order for possession was sought by the landlord based on a ground specified in the Act and properly narrated in the notice served upon the tenant. The tribunal was satisfied that the notice had been served in accordance with the terms of the Act and that the landlord was entitled to seek recovery of possession based upon that ground

The tribunal accepted the evidence presented on behalf of the landlords with regard to the rent arrears. A rent statement was produced which set out the history of the arrears. The tenants had been in arrears for a period far in excess of three consecutive months and the arrears owed were significantly in excess of one month's rent. The ground was accordingly established and the tribunal was obliged in terms of the provisions of the 2016 Act to grant the order sought

Decision

The order for recovery of possession is granted

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.

J Bauld

Legal Member/Chair

22 January 2020

Date