



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 2020

Chamber Ref: FTS/HPC/EV/20/0368

Re: Property at 29 Jeanette Avenue, Hamilton, ML3 7RS (“the Property”)

Parties:

Mr Mohammed Hanif, c/o 190 St Vincent Street, Glasgow, G2 5SP (“the Applicant”)

Ms Jo-Marie Pirie, 29 Jeanette Avenue, Hamilton, ML3 7RS (“the Respondent”)

Tribunal Members:

Mark Thorley (Legal Member)

Decision (in absence of the Respondent)

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

Background

The applicant applied to the First Tier Tribunal by application dated 28 January 2020. The application sought eviction under ground 12. Accompanying the application were the following documents:

- (i) Copy Notice to Leave dated 19 December 2019.**
- (ii) Royal Mail posting certificate.**
- (iii) Copy Section 11 Notice.**
- (iv) Royal Mail posting certificate.**
- (v) Copy Tenancy Agreement dated 3 May 2019.**

Subsequently bank statements were provided showing rent previously paid by the Respondent until August 2019.

The Tribunal accepted the application on 27 February 2020.

The application was served on the Respondent on 10 March 2020 and a case management discussion assigned for 14 April 2020.

That case management hearing did not proceed because of the pandemic.

No written representations were received in response to the application.

Case Management Discussion

At the case management discussion Mr Hanif from Messrs Miller Beckett & Jackson, Solicitors, Glasgow attended on the tele-conference. There was no attendance by the Respondent or anyone acting on her behalf.

Mr Hanif was able to advise that no further payment of rent had been received since the application was lodged. The amount of outstanding rent at present was £ 5775.00. This constituted 11months outstanding rent.

Findings in Fact

1. The parties entered into a Tenancy Agreement dated 3 May 2019 in respect of the premises at 29 Jeanette Avenue, Hamilton, ML3 7RS.

2. Rental was due to be paid in the sum of £525 per calendar month in advance.

3. The Respondent paid rent until August 2019 and thereafter no rent has been paid since that date.

4. Arrears currently stand at the sum of £ 5775.00 .

5. The tenant is rent arrears of over three consecutive months.

Reasons for Decision

The paperwork was all in order. The legal representative acting on behalf of the applicant confirmed that no further rent had been paid since the application was lodged. The Respondent had provided no representations nor had attended or was represented on the tele-conference.

The Tribunal accepted the position as set forward by the applicant. The Respondent is now considerably more than three months in arrears of rent. An order for eviction was granted.

Decision

An order for eviction 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.



Legal Member/Chair

13th July 2020

Date