



**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 2003.**

**Chamber Ref: FTS/HPC/CV/23/2002**

**Re: Property at Flat 3/1, 438 Tollcross Road, Glasgow, G31 4XU (“the Property”)**

**Parties:**

**Mrs Shona Robertson, 36 Dumbrock Road, Strathblane, Glasgow, G63 9DQ (“the Applicant”)**

**Mr John McDermott, Flat 3/1, 438 Tollcross Road, Glasgow, G31 4XU (“the Respondent”)**

**Tribunal Members:**

**Andrew McLaughlin (Legal Member) and John Blackwood (Ordinary Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted the Application and made an Eviction Order.**

**Background**

[1] The Applicant seeks an Eviction Order under Ground 12 of Schedule 3 of the Act. The Application is accompanied by: a copy of the tenancy agreement; the relevant notice to leave with proof of service; rent statements; evidence of compliance with s11 of the Homelessness (etc) (Scotland) Act 2003 and The Rent Arrears Pre-Action Requirements (Coronavirus) (Scotland) Regulations 2020.

**The Case Management Discussion**

[2] The Application called for a Case Management Discussion (CMD) by conference call at 10 am on 8 September 2023. The Applicant was represented by Ms Matthew of BKF & Co. There was no appearance by or on behalf of the Respondent. The Application and information about how to join the CMD had been served on the Respondent by sheriff officers. Accordingly, the Tribunal decided to proceed in the absence of the Respondents. Having heard from Ms Matthew and having considered the Application, the Tribunal made the following findings in fact.

### **Findings in Fact**

- I. *The parties entered into a tenancy agreement whereby the Applicant let the Property to the Respondent by virtue of a Private Residential Tenancy;*
- II. *The contractual monthly rent was £450.00;*
- III. *The Respondent fell into rent arrears;*
- IV. *The Applicant competently served a notice to leave under ground 12 of Schedule 3 of the Act which was established at the date of service of the notice and which remains established today;*
- V. *The Respondent's arrears of rent continue to increase;*
- VI. *The Applicant has complied with s11 of the Homelessness (etc) (Scotland) Act 2003 and The Rent Arrears Pre-Action Requirements (Coronavirus) (Scotland) Regulations 2020;*
- VII. *There is nothing before the Tribunal to suggest why it might not be reasonable to make an Eviction Order;*
- VIII. *The Respondent has not engaged with the Tribunal process;*
- IX. *It is reasonable that the Tribunal makes an Eviction Order.*

### **Reasons for Decision**

[3] Having made the above findings in fact, the Tribunal granted the Application and made an Eviction Order.

### **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 McLaughlin

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Legal Member/Chair

8 September 2023

Date