



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 50 of the Housing (Scotland)
Act 2016**

Chamber Ref: FTS/HPC/EV/18/1637

**Re: Property at 11 Fore Street, Johnshaven, Montrose, DD10 0EU (“the
Property”)**

Parties:

**Mr Colin Townsend, Mrs Eileen Townsend, C/O Thyme Property Developments
Ltd, 62 New Wynd, Montrose, DD10 8RF (“the Applicants”)**

**Mr Christopher Mitchell, Mr Michael Mitchell, 11 Fore Street, Johnshaven,
Montrose, DD10 0EU (“the Respondents”)**

Tribunal Members:

Maurice O’Carroll (Legal Member)

Decision (in the absence of the Respondents)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that an Order for repossession should be granted**

Background

1. The parties entered into a lease over the Property dated 1 December 2017
2. Rent was paid for the first month of the lease but was not paid thereafter including a period of at least 3 months when nothing was paid.
3. The Applicant lodged an application for eviction/possession with the Tribunal on 29 June 2018.
4. A Case Management Discussion (“CMD”) was set down for 11.30am at the Carers Centre, Seagate, Dundee on 14 September 2018.

The Case Management Discussion

5. At the CMD, Mr Stephen Forsyth, solicitor with Messrs Myles Lavery appeared on behalf of the Applicant. He was accompanied by Mr Glen Steer from Thyme

Properties, letting agents for the Applicant. There was no appearance by the Respondents or by anyone on their behalf.

6. The Tribunal was satisfied that notice had been given to the Respondents of the CMD, having seen a Certificate of Execution by Sheriff Officers dated 31 August 2018. The Tribunal therefore continued with proceedings in the absence of the Respondents. The Respondents were made aware that the Tribunal could proceed to grant an Order at the CMD without the need for a full hearing.

Findings in fact

- The parties entered into a lease dated 1 December 2017 and the Respondents took entry on that date.
- Rent was payable at the rate of £650 per calendar month payable in advance
- Apart from the rent due for the month of December, the Respondents have failed to pay the rent due under the lease
- Rent remained unpaid for a period of 3 consecutive months by the time of the date of the application
- Rent arrears in the sum of £5,200 had accrued by the date of the CMD

Reasons for the Decision

7. The requirements of rule 109 of the First-tier Tribunal for Scotland Housing and Property Chamber (Rules of Procedure) Regulations 2017 have been complied with by the Applicant.
8. Rent due under the lease agreement in respect of the Property has been unpaid for a period of 3 consecutive months.
9. The Respondents have been validly served with a Notice of Eviction/Possession.

Decision

10. The Tribunal grants the Order for Eviction/Possession sought by the Applicant.

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.

Maurice O'Carroll

Legal Member/Chair

14 September 2018
Date