



**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**

**Chamber Ref: FTS/HPC/EV/19/0672**

**Re: Property at Flat U/L 7 Arbuckle Street, Kilmarnock, KA1 3AY (“the  
Property”)**

**Parties:**

**Mrs Jagrutiben Savaliya, 276 Glasgow Road, Waterfoot, Glasgow, G76 0EW  
 (“the Applicant”)**

**Mr Sajid Ali, Flat U/L 7 Airbuckle Street, Kilmarnock, KA1 3AY (“the  
Respondent”)**

**Tribunal Members:**

**Nicola Irvine (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the  
Tribunal”) determined that the Applicant is entitled to the order for recovery of  
possession of the property.**

**Background**

The Applicant submitted an application seeking an order to evict the Respondent from the property at Flat U/L, 7 Airbuckle Street, Kilmarnock, KA1 3AY. The Tribunal issued a letter to parties dated 15<sup>th</sup> April 2019 advising them of the date, time and place of today’s case management discussion. In that letter, parties were also told that they required to attend the hearing and were informed that the Tribunal could make a decision on the application today if the Tribunal has sufficient information and considers the procedure to have been fair. The Respondent was invited to make written representations by 3<sup>rd</sup> May 2019. No written representations were received from the Respondent.

### **Case Management Discussion**

The Applicant was personally present and was accompanied by her husband. The case management discussion proceeded in the absence of the Respondent. The Applicant advised the Tribunal that there has been virtually no contact with the Respondent. The Applicant's letting agent (CountryLet) made arrangements to meet with the Respondent to discuss the rent arrears but the Respondent failed to attend. The Applicant has no information as to why rent arrears have accrued. The Applicant's letting agent hand delivered the Notice to Leave.

The Applicant insisted on the Application for recovery of possession of the property; she relied upon Ground 12 of Schedule 3 of the 2016 Act.

### **Findings in Fact**

1. The parties entered into a tenancy agreement on 1<sup>st</sup> August 2018.
2. The rent payable was £450 per calendar month, payable in advance.
3. As at 1<sup>st</sup> March 2019 the Respondent had incurred rent arrears of £1,800.
4. The Applicant served a Notice to Leave on the Respondent on 29<sup>th</sup> January 2019.
5. The Applicant is entitled to the Order sought for repossession.

### **Reason for Decision**

The Tribunal proceeded on the basis of the written documents which were before it. The Respondent was given an opportunity to provide written representations to the Tribunal; he failed to do so and failed to attend the case management discussion. The Applicant invited the Tribunal to make the Order sought. The Applicant relied upon Ground 12 of Schedule 3 of the 2016 Act. The Notice to Leave had been served. The Tribunal was satisfied that Ground 12 had been established. There was nothing before the Tribunal challenging or disputing any of the evidence before it.

### **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.**

**Ms Nicola Irvine**

**Legal Member/Chair**

**22<sup>nd</sup> May 2019**

**Date**