



**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 2016**

**Chamber Ref: FTS/HPC/EV/19/2728**

**Re: Property at 51 Glenmore Avenue, Bellshill, ML4 2JW (“the Property”)**

**Parties:**

**Mr Ian Watson, c/o 169 Main Street, Bellshill, ML4 1AH (“the Applicant”)**

**Miss Victoria Lawless, 51 Glenmore Avenue, Bellshill, ML4 2JW (“the Respondent”)**

**Tribunal Members:**

**Graham Harding (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant was entitled to an order for the eviction of the Respondent from the property under Ground 12 of Schedule 3 of the Private Housing (Tenancies)(Scotland) Act 2016.**

**Background**

1. By application dated 29 August 2019 the Applicant’s representatives Bannatyne Kirkwood France, Solicitors, Glasgow applied to the Tribunal for an order for the eviction of the Respondent on the ground that the Respondent was in arrears of rent in terms of Ground 12 of Schedule 3 of the Private Housing (Tenancies)(Scotland) Act 2016 (“the 2016 Act”). The Applicant’s representatives provided the Tribunal with a copy of the tenancy agreement, a rent statement, Notice to Leave, confirmation of service, Section 11 Notice and confirmation of service. In support of the application.
2. By Notice of Acceptance dated 8 October 2019 a legal member of the Tribunal with delegated powers accepted the application and a Case Management Discussion was assigned.

3. Intimation of the Case Management Discussion was given to the Applicant's agents by Recorded delivery post on 28 October 2019 and to the Respondent by Sheriff Officers on 29 October 2019.

#### The Case Management Discussion

4. A Case Management Discussion was held at Glasgow Tribunals Centre on 29 November 2019. It was attended by Ms Ephemina Matheson of the Applicant's representatives on behalf of the Applicant. The Respondent did not attend and was not represented. The Tribunal on being satisfied that the Respondent had been given proper notice of the Case Management Discussion by Sheriff Officers determined in accordance with Rule 29 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2016 ("the 2016 Rules") to consider the application in her absence.
5. Ms Matheson referred the Tribunal to the terms of the Tenancy Agreement and confirmed the lease had commenced on 25 January 2019. The rent was £650.00 per month. Ms Matheson said the Respondent had last paid rent on 29 March 2019 and had been in arrears since 25 April 2019. She said a Notice to Leave had been sent to the Respondent by Your Move by email on 26 July 2019 by which time the Respondent had been in arrears of rent for three consecutive months..
6. Ms Matheson confirmed that the Notice to Leave advised the Respondent that eviction was being sought on the grounds of there being three consecutive months of rent arrears and that the earliest date that an application would be made to the Tribunal was 28 August 2019. The Notice to Leave was therefore valid.
7. Ms Matheson went on to say that a Section 11 Notice had been sent to North Lanarkshire Council by email on 29 August 2019 and referred the Tribunal to the email submitted with the application.
8. Ms Matheson advised the Tribunal that the current arrears amounted to £5200.01 and as that was in excess of one month's rent asked the Tribunal to grant the order for eviction it being a mandatory ground in terms of Ground 12 of Schedule 3 of the 2016 Act.

#### Findings in Fact

9. The parties entered into a Private Residential Tenancy Agreement that commenced on 25 January 2019 at a monthly rent of £650.00
10. The Respondent last paid rent on 29 March 2019.
11. The current rent arrears amount to £5200.00
12. A valid Notice to Leave was sent to the Respondent by email on 26 July 2019.

13. A Section 11 Notice was sent to North Lanarkshire Council by email on 29 August 2019.

#### Reasons for Decision

14. The Tribunal was satisfied that the parties entered into a Private Residential Tenancy Agreement and that the Respondent had failed to make any payment of rent since 29 March 2019. The Tribunal was also satisfied that the Notice to Leave sent to the Respondent on 26 July 2019 was in the correct form and complied with the statutory requirements.
15. The Tribunal was also satisfied that the Applicant's representatives had properly intimated a Section 11 Notice to the North Lanarkshire Council.
16. The Tribunal was satisfied that the Respondent had accrued rent arrears over three consecutive months at the time of serving the Notice to Leave and as she had accrued a total of £5200.00 of rent arrears by the time of the Case Management discussion there was clearly more than the equivalent of one months rent outstanding at this time. The Tribunal was therefore satisfied that the mandatory grounds of Ground 12 of Schedule 3 of the 2016 Act had been met.

#### Decision

17. The Tribunal finds the Applicant entitled to an order for the eviction of the Respondent from the property in terms of Ground 12 of Schedule 3 of the 2016 Act.

#### 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.**

Graham Harding

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Legal Member/Chair

29 November 2019  
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Date