



**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/19/0922

**Re: Property at 8 Oban Terrace, Greenock, Inverclyde, PA16 0UL (“the
Property”)**

Parties:

**Mr Jon Morrey, 8 Heron Close, Uxbridge, Greater London, UB8 1BJ (“the
Applicant”)**

**Miss Heather McFarlane, 8 Oban Terrace, Greenock, Inverclyde, PA16 0UL
 (“the Respondent”)**

Tribunal Members:

Jim Bauld (Legal Member)

Decision (in absence of the Respondent)

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

- **Background**

An application was made to the Tribunal by the applicant on 20 March 2019 under Section 51(1) of the Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”) seeking an order for eviction

- **Case Management Discussion**

A Case Management Discussion took place on 13 May 2019. The respondent was not present. The applicant was represented by his letting agent, Mr Campbell Gisbey of Homefinders Inverclyde

- **Findings in Fact**

The parties had entered into a Private Residential Tenancy agreement dated 13 March 2018 in respect of the property.

The respondent had regularly failed to pay the whole rent due in terms of the tenancy agreement which was stated in the agreement to be £500 per month.

A Notice to Leave was served on the respondent on 10 January 2019 indicating that the applicant would seek an eviction order based on ground contained in paragraph 12 of schedule 3 of the 2016 Act

The respondent had accrued rental arrears which at the date of the Case amounted to £1887.71

- **Reasons for Decision**

The Tribunal accepted the evidence presented by the applicant, both in the application lodged with the Tribunal and at the hearing, which demonstrated that the respondent was in rent arrears which amounted to an amount greater than one month's rent due under the tenancy and that the respondent had been in arrears for a continuous period of more than three months as at the date of the case. The Tribunal was satisfied that the respondent had been served with the appropriate Notice to Leave in terms of the 2016 Act and that she had been properly notified of the date and time of the Case Management Discussion.

- **Decision**

The Tribunal granted the eviction order 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.

Jim Bauld

Legal Member/Chair

13 May 2019

Date