



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/18/3214

Re: Property at 2 Danes Crescent, Scotstoun Hill, Glasgow, G14 9AG (“the Property”)

Parties:

Ms Gail Macleod, 6 Verona Avenue, Glasgow, G14 9DZ (“the Applicant”)

Ms Michelle Sweeney, formerly of 2 Danes Crescent, Scotstoun Hill, Glasgow, G14 9AG (“the Respondent”)

Tribunal Members:

Patricia Pryce (Legal Member)

Decision in absence of the Respondent

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to grant an order for eviction.

- **Background**

The application before the Tribunal sought an order for eviction on Ground 12 of Schedule 3 of the 2016 Act.

- **The Case Management Discussion**

The Applicant did not attend the case management discussion (CMD). Mr McMillan and Ms O’Donnell, both from Glasgow Property Letting Limited, attended and represented the Applicant.

The Respondent did not attend the CMD nor was she represented.

Service had taken place by way of advertisement on the Tribunal’s website as other forms of service had proved ineffective.

Ms O'Donnell submitted that the rent had been £699 per calendar month. The last payment received in respect of the rent had been on 31 August 2018. No rent had been paid since that date. As at the date of the CMD, rent arrears amounted to £4,863. The Applicant sought an order for eviction on the basis that the Respondent had been in arrears for three or more consecutive months. There were no housing benefit issues. The Applicant had been working as a graphic designer when she took entry to the property. She had lived there with her seven year old daughter. The Applicant does not have an up to date address for her. The Respondent vacated the property on 23 January 2019.

- Findings in Fact

1. The parties entered into a tenancy agreement in respect of the property on or about 24 January 2018.
2. The rent for the property was £699 per calendar month.
3. The last payment the Respondent made towards the rent was £800 on 31 August 2018.
4. The Respondent vacated the property on 23 January 2019.
5. The arrears of rent as at the date of the CMD were £4,863.
6. There were no outstanding housing benefit issues.
7. Notice to leave was served by the Applicant's Representative on 15 October 2018.
8. The Respondent had been in arrears of rent for three or more months.

- Reasons for Decision

The Respondent had been in arrears of rent since the commencement of the tenancy. Ground 12 of Schedule 3 of the 2016 Act was established. There were no outstanding housing benefit issues. The Tribunal therefore required to grant the order to evict as, in all the circumstances, the mandatory Ground was met.

- Decision

The Tribunal determined to grant the order for eviction.

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.



8 May 2019

Legal Member/Chair

Date