



**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 (Act)**

**Chamber Ref: FTS/HPC/EV/19/0795**

**Re: Property at 18 Briar Bank, Lesmahagow, ML11 0AT (“the Property”)**

**Parties:**

**Iskcon Scotland Limited, Karuna Bhavan, Bankhouse Road, Lesmahagow, ML11 0ES (“the Applicant”)**

**Miss Stacy Harris, 18 Briar Bank, Lesmahagow, ML11 0AT (“the Respondent”)**

**Tribunal Members:**

**Alan Strain (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the order for eviction/recovery of possession be granted.**

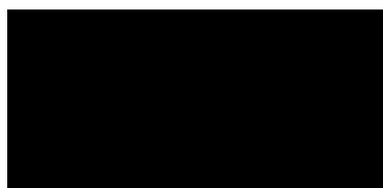
**Background**

This is an application for eviction/recovery of possession in terms of section 51(1) of the Act and Rule 109 of the Tribunal Procedure Rules.

The Tribunal had regard to the following documents:

1. Application received 11 March 2019;
2. Private Tenancy;
3. Notice to Leave dated 26 October 2018;
4. Section 11 Notice;
5. Rent arrears statement dated 1 February 2019.

**Case Management Discussion (CMD)**



The case called for a CMD on 13 May 2019. The Applicant was present. There was no appearance by the Respondent.

The Tribunal was satisfied that service of the CMD notification had been made upon the Respondent by Sheriff Officers. She was aware that the Tribunal could determine matters in her absence if satisfied that it had sufficient information and it was fair to do so.

The Tribunal heard from the Applicant that the arrears were now £5,500. The Tribunal accordingly made the following findings in fact:

1. The Parties entered in to a Private Tenancy;
2. The monthly rent was £400;
3. As at 11 March 2019 the arrears were £4,400;
4. Arrears as at the date of the CMD were £5,500;
5. The Respondent has been in excess of one month's rent in arrears for a continuous period of 3 or more months.

The Tribunal considered that the elements of Ground 12 of Schedule 3 to the Act were established. The Tribunal was satisfied that it had sufficient information to grant the order sought and that it was fair to do so.

The Tribunal accordingly grant the order for eviction/recovery of possession.

### 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.

  
Legal Member/Chair

13 May 2019  
Date