



**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/19/1403**

**Re: Property at 40 Mossbank, Prestwick, KA9 1DT (“the Property”)**

**Parties:**

**Mr Adam Harding, 1 Carnell Terrace, Prestwick, KA9 1EA (“the Applicant”)**

**Miss Jennifer King, 40 Mossbank, Prestwick, KA9 1DT (“the Respondent”)**

**Tribunal Members:**

**Martin McAllister (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant be granted an eviction order against the Respondent in respect of the Property.**

**Background**

**This is an application by the Applicant in respect of an order for eviction. The Tribunal considered the matter in terms of Rule 109 of the First-tier Tribunal for Scotland (Procedure) Regulations 2017. (“the Rules”). A case management discussion was held at Russell House, Ayr on 3<sup>rd</sup> July 2019. The date and time had been intimated to parties and Sheriff Officers had formally served notice of the case management discussion on the Respondent on 4<sup>th</sup> June 2019. No written representations had been received from the Respondent.**

**The Case Management Discussion**

**The Applicant was present and the Respondent was not. The purpose of a case management discussion and the terms of rule 17 of the Rules was explained to the Applicant.**

**Mr Harding said that no rent had been paid since 21<sup>st</sup> February 2019, that the monthly rent in terms of the lease was £570 and that the current level of arrears was £3,785.**

**With the application there had been lodged a copy of a bank statement which Mr Harding said only related to the Property. The statement was for the period from 28<sup>th</sup> August 2018 to 1<sup>st</sup> May 2019. This showed that the Respondent had made a payment of £55 on 21<sup>st</sup> February 2019 and that the rent had been in arrears since 26<sup>th</sup> November 2018.**

**Mr Harding said that he had met the Respondent the previous day and that she had told him that she wanted to get a Council house. He said that, when the tenancy commenced, he understood that the Respondent had been in employment. He said that he was not aware of any issues with regard to payment of benefit.**

### **Findings in Fact**

- 1. The Respondent is in arrears of rent for three or more consecutive months.**
- 2. The Respondent is in arrears of rent of at least £570 which is the monthly rent due under the tenancy.**
- 3. Non payment of rent is not due to any issue about payment of benefits.**
- 4. The Applicant has intimated the application to the local authority.**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant be granted an eviction order against the Respondent in respect of the Property.**

### **Reasons for the Decision**

- 1. The evidence of the Applicant was credible together with the vouching provided by the bank statement.**
- 2. The Applicant stated that he was unaware of the reason for the arrears being due to any issues of payment of benefits and the Respondent had made no representations to the contrary.**
- 3. The Applicant had lodged a copy of the intimation given to the Local Authority.**
- 4. The Application falls into the eviction ground set out in Schedule 3, ground 12: the Respondent has been in rent arrears for three or more consecutive months up to and including today and is currently in arrears of rent greater than the amount which would be payable as one month’s rent under the tenancy.**

## **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.**

M McAllister

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**3<sup>RD</sup> July 2019**