



**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/19/3102

Re: Property at 14 Witchknowe Avenue, Kilmarnock, KA1 4LQ (“the Property”)

Parties:

Ms Amy Crothers, 2/1 245 Kilmarnock Road, Glasgow, G41 3JF (“the Applicant”) per her agents, 2Let Homes, 51, Clydesdale Street, Hamilton, ML3 0DD (“the Applicant’s Agents”)

Ms Abby McCullen, 14 Witchknowe Avenue, Kilmarnock, KA1 4LQ (“the Respondent”)

Tribunal Members:

Karen Moore (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that

1. By application received between 1 and 8 October 2019 (“the Application”) the Applicant made an application to the Tribunal for a possession order in terms of Section 51 of the Act and in terms of Rule 109 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”).
2. The Application comprised copy of a private residential tenancy agreement between the Parties, statement of rent due and owing, copy Notice to Leave in the correct legal format citing Ground 12 and copy Notice in terms of Section 56(1) of the Act to East Ayrshire Council being the relevant local authority, all with evidence of intimation.
3. On 21 October 2019, a legal member of the Tribunal with delegated powers of the Chamber President accepted the Application and a Case Management

Discussion ("CMD") was fixed for 29 November 2019 at 14.00 at Russell House, King Street, Ayr, KA8 0BQ. The CMD was intimated by both Parties.

Case Management Discussion

4. The Applicant was not present and was represented by Ms. S Robertson and Mr. A Ferguson of the Applicant's Agents. The Respondent was not present and not represented.
5. Ms. S Robertson confirmed that the rent remained unpaid and confirmed the Order sought.

Findings in Fact

6. From the Application and the CMD, I found that a tenancy agreement existed between the Parties, that proper notice had been given by the Applicant to the Respondent, that grounds for possession had been established and that notice in terms of Section 56 of the Act had been properly intimated to the relevant local authority.

Decision and Reasons for Decision

7. Having found that the tenancy the correct procedure followed and there being no opposition by the Respondent, I had regard to Rule 17(4) of the Rules which states that the Tribunal "may do anything at a case management discussion which it may do at a hearing, including make a decision" and, accordingly, I determined to grant an Order for possession without further procedure.

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

29 November 2019

Date