



**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 (“the Act”) and the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”)**

**Chamber Ref: FTS/HPC/EV/19/4034**

**Re: Property at 15 Muirhouse Lane, Murray, East Kilbride, G75 0HY (“the Property”)**

**Parties:**

**Mrs Anne Jackson, 41 Ness Drive, St Leonards, East Kilbride (“the Applicant”) per her agent Mr Iain Jackson of the same address (“the Applicant’s Agent”)**

**Mr Paul Kelly, 15 Muirhouse Lane, Murray, East Kilbride, G75 0HY (“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 the Order for Possession be granted.**

**Background**

1. By application dated 13 December 2019 and comprising an application form, copy Private Residential Tenancy agreement between the Parties, copy Notice to Leave in the correct format with evidence of receipt, copy Notice in terms of Section 11 of the Homelessness etc. (Scotland) Act 2003 and a statement of rent due and owing by the Respondent to the Applicant in the sum of £5,265.00 being more than three consecutive months’ rent (“the Application”) the Applicant applied to the Tribunal for an order for possession under Section 51 of the Act. A legal member of the Tribunal with delegated powers to do so, accepted the Application in terms of Rule 9 of the Rules and a Case Management Discussion (“CMD”) was fixed for 20 February 2020 at

the Glasgow Tribunal Centre, 20 York Street, Glasgow, G2 8GT. The CMD was intimated to the Parties.

#### **CMD**

2. The CMD took place on 20 February 2020 at the said Glasgow Tribunal Centre. The Applicant was not present and was represented by the Applicant's Agent. The Respondent was not present and not represented, nor had the Respondent submitted written representations.
3. The Applicant's Agent advised the Tribunal that rent due remained unpaid and that an Order for possession was sought.

#### **Findings in Fact**

4. From the Application and the CMD, the Tribunal accepted that there is a Private Residential Tenancy agreement between the Parties, that the statutory procedure set out in the Act had been followed and that more than three consecutive months' rent is due and owing by the Respondent to the Applicant.

#### **Decision and Reasons for Decision**

5. Having found that the statutory procedure set out in the Act had been followed and that Section 51(1) of the Act had been satisfied, the Tribunal, in terms of Rule 17 of the Rules which allows that the Tribunal may do anything at a CMD which it may do at a hearing, including making a decision, the Tribunal made an Order for 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.**

Karen Moore

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**Legal Member/Chair**

*20 February 2020*

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**Date**