



**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/19/1468

Re: Property at 42 Calder Street, Flat 2/2, Glasgow, G42 7RU (“the Property”)

Parties:

**Mr Riccardo Cornacchia, c/o Cairn Letting Ltd, 34 Gibson Street, Glasgow, G12
8NX (“the Applicant”)**

**Mr Vladimir Turtak, Mrs Simona Turtakova, 42 Calder Street, Flat 2/2, Glasgow,
G42 7RU (“the Respondent”)**

Tribunal Members:

Alison Kelly (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 should be granted.**

Background

The Applicant lodged an application on 14th May 2019 seeking eviction of the Respondents in terms of Rule 109 of The First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the Rules”). The grounds were grounds 12 and 14 of Schedule 3 of the Private Housing (Tenancies) (Scotland) Act 2016.

Lodged with the Application were:

1. Rent Statement
2. Copy Tenancy Agreement
3. Letters to the Respondent from the Applicant's agent
4. Letter from Glasgow City Council dated 19th February 2019
5. Notice To Leave
6. Execution of Service of same

7. Section 11 Notice

Sheriff Officers were unable to serve the Tribunal papers. They confirmed that the property appeared to be empty and unoccupied, and the application was thereafter served by way of advertisement on the Tribunal's website.

Case Management Discussion

The Applicant was represented by Gemma Waters of Cairn Letting Limited. The Respondents did not appear and were not represented.

The Chairperson explained the purposes of a Case Management Discussion in terms of Rule 17 of the Rules.

Miss Waters submitted that both grounds of eviction had been established.

Throughout the tenancy she had received numerous complaints from neighbours about excessive noise coming from the flat. She issued several warning letters to the Respondents. On 10th February 2019 members of the Antisocial Behaviour Team from Glasgow City Council visited the property and issued a verbal warning to the Respondents about excessively loud music. They wrote the letter of 19th February 2019 to confirm.

Miss Waters provided a rent statement. It showed that the Respondents had stopped paying rent, due at £495 per month, in January 2019. The current arrears are £2465.

Miss Waters said that she had had a telephone conversation with the first Respondent towards the end of April 2019. He said that they had vacated the flat, but he would not confirm it in writing and he would not provide an address or an email address.

Findings In Fact

1. The parties entered in to a Private Residential Tenancy Agreement for the property, commencing 3rd September 2019;
2. The monthly rental was £495;
3. The Applicant's agents received complaints from neighbours on a number of occasions about excessively loud music emanating from the property;
4. Glasgow City Council Anti-Social Behaviour Team issued a verbal warning to the Respondents on 10th February 2019 regarding excessive noise;
5. The Respondents have not paid any rent since December 2018.

Reasons For Decision

The Tribunal was satisfied that both grounds 12 and 14 had been met, and that it was reasonable to grant the order.

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.

Alison Kelly

Legal Member/Chair

J

Date

2/8/19