

Housing and Property Chamber
First-tier Tribunal for Scotland



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/19/0643

Re: Property at 98 West Pilton Terrace, Edinburgh, EH4 4LX (“the Property”)

Parties:

Mr Douglas Peace, Mrs Joanne Peace, 13 Forthview Road, Edinburgh, EH4 2DE (“the Applicant”)

Mr Oskar Smykiel, Ms Magdalena Luczynska, 98 West Pilton Terrace, Edinburgh, EH4 4LX (“the Respondent”)

Tribunal Members:

Mark Thorley (Legal Member)

Decision

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

Background

The Applicants applied to the Tribunal under 51(1) of the Private Housing (Tenancies) (Scotland) Act 2016 and under Rule 109 . Along with the application the following documents were produced

Lease

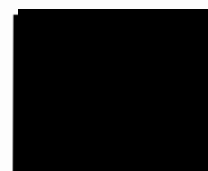
Notice to leave

Section 11 notice

Proof of delivery

Proof of arrears

Case Management Discussion (CMD)



At the CMD Mr Peace appeared for the applicant. The Respondents both attended.

The rent arrears had increased by a further months rent in the sum of £900. Arrears were now at £3600.

The Respondents accepted they were in these rent arrears and that they did not object to the order of eviction being granted.

Findings in Fact

- 1 There was a lease between the parties
- 2 The Respondents were due to pay rent in the sum of £900 per month
- 3 Arrears are £3600
- 4 There are more than 3 consecutive months of arrears

Reasons for decision

All parties accepted there were rent arrears of 3 consecutive months. The Respondents did not object to the order being granted

Decision

An order for eviction was granted.

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

30th April 2019

Date