



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber)**

Chamber Ref: FTS/HPC/EV/21/1871

Re: Property at Flat 0/1 84 Westmoreland Street, Glasgow, G42 8LQ (“the Property”)

Parties:

**RSquared Ventures Ltd, 74a Station Road East, Oxtend, England, RH8 0PG
(“the Applicant”)**

**Mr Lukas Gombar, Mrs Maria Gombarova, UNKNOWN, UNKNOWN, UNKNOWN,
UNKNOWN (“the Respondent”)**

Tribunal Members:

Virgil Crawford (Legal Member) and Elizabeth Currie (Ordinary Member)

Decision (in absence of the Respondent)

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

BACKGROUND

1. By Lease dated 21st August 2019 the Applicant Let the property to the Respondents;
2. Sometime thereafter, it became apparent to the Applicants that the Respondents were no longer occupying the property. An inspection of the property was carried out which disclosed that the property was in a very unsatisfactory condition, it was extremely dirty and unhygienic with items of refuse discarded throughout it. Photographs of the same were produced;

3. On a subsequent occasion when an inspection was being attempted a person was in occupation of the Property but that person was not one of the Respondents, despite claiming to be;
4. The Applicants instructed Sheriff Officers to trace the Respondents. Two separate reports from the Sheriff Officers indicated that the First Respondent, Mr Lucas Gombar was residing at a different address in close proximity to the Property. The address of the Second Respondent, Maria Gombarova could not be identified and her whereabouts were unknown;
5. The Applicants served a Notice to Leave upon the Respondents, the Notice to Leave being served on the basis that the Respondents were no longer occupying the property. This was served by Sheriff Officers and in accordance with the provisions of the Lease for service of documentation upon the Respondents;
6. A Notice in terms of section 11 of the Homelessness ETC (Scotland) Act 2003 was intimated to the relevant local authority;
7. On 4th August 2021 the Applicants presented an application to the Tribunal seeking an Order for Eviction. A Case Management discussion was initially assigned for 8th October 2021 at 10am. That Case Management discussion could not proceed as the Tribunal had instructed Sheriff Officers to intimate the proceedings upon the Respondents but they were unable to do so. As a result, a further Case Management discussion was assigned for 26th November 2021 at 10am and the proceedings were thereafter advertised on the Tribunal website;

THE CASE MANAGEMENT DISCUSSION

8. The Applicants were represented by Miss K Morrison of Messrs TC Young Solicitors, Glasgow. The Respondents did not enter an appearance at the Case Management discussion. The Tribunal, however, was in receipt of a certificate of intimation of the proceedings on the Tribunal website and, therefore, the Tribunal, being satisfied in terms of Rule 24 of the First Tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 that the Respondents had received notice of the same, determined that it was appropriate to proceed in accordance with Rule 29 of the said rules;
9. Miss Morrison advised the Tribunal that she was, on behalf of her clients, seeking an Order for eviction. She confirmed that the position in relation to the property remained the same, that being the Respondents were no longer in occupation of the property;

10. In the circumstances, having regard to the information provided in support of the application and the updated information provided at the case management discussion, the Tribunal considered that it was reasonable in the circumstances that an Order for eviction be granted.

FINDINGS IN FACT

11. The Tribunal found the following facts to be established:-

- a) By Lease dated 21st August 2019 the Applicant Let the property to the Respondents;
- b) Sometime thereafter, it became apparent to the Applicants that the Respondents were no longer occupying the property. An inspection of the property was carried out which disclosed that the property was in a very unsatisfactory condition, it was extremely dirty and unhygienic with items of refuse discarded throughout it. It appeared to be uninhabited;
- c) On a subsequent occasion when an inspection was being attempted a person was in occupation of the Property but that person was not one of the Respondents, despite claiming to be;
- d) The Applicants instructed Sheriff Officers to trace the Respondents. Two separate reports from the Sheriff Officers indicated that the First Respondent, Mr Lucas Gombar was residing at a different address in close proximity to the Property. The address of the Second Respondent, Maria Gombarova could not be identified and her whereabouts were unknown;
- e) The Applicants served a Notice to Leave upon the Respondents, the Notice to Leave being served on the basis that the Respondents were no longer occupying the property. This was dated 26 June 2021 and served by Sheriff Officers on 28 June 2021 in a manner which was in accordance with the provisions of the Lease for service of documentation upon the Respondents;
- f) On 4th August 2021 the Applicants presented an application to the Tribunal seeking an Order for Eviction. A Case Management discussion was initially assigned for 8th October 2021 at 10am. That Case Management discussion could not proceed as the Tribunal had instructed Sheriff Officers to intimate the proceedings upon the Respondents but they were unable to do so;
- g) A Notice in terms of section 11 of the Homelessness Etc. (Scotland) Act 2003 was intimated to the relevant local authority;

DECISION

The Tribunal Grants order to Officers of Court to eject the Respondents and family, servants, dependants, employees and others together with their goods, gear and whole belongings furth and from the Property at Flat 0/1 84 Westmoreland Street, Glasgow, G42 8LQ and to make the same void and redd that the Applicants or others in their name may enter thereon and peaceably possess and enjoy the same

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.



26 November 2021

Legal Member/Chair

Date