



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/19/2363

Re: Property at 215 Greenrigg Road, Cumbernauld, G67 2QB (“the Property”)

Parties:

Mr Hasse Lundgaard, 2-3 Paseo De Velilla, Almunecar, Spain, 18690, Spain (“the Applicant”)

Miss Beata Gumiela, Mr Bogdan Wolak, 215 Greenrigg Road, Cumbernauld, G67 2QB (“the Respondent”)

Tribunal Members:

Mark Thorley (Legal Member)

Decision (in absence of the Respondent)

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

BACKGROUND

The applicant applied to the Tribunal for an order of eviction of the Respondents under Ground 12 namely that the Respondents have been in rent arrears for at least 3 consecutive months and at least one months rent remains due.

Supporting the application the applicant had lodged the following documents

- 1 Tenancy agreement dated 19 September 2019**
- 2 Amendment agreement dated 10 February 2019**
- 3 Notice to leave**
- 4 Section 11 notice**
- 5 Copy bank statements showing payments made.**

Prior to the hearing an up to date rent statement was lodged.

Intimation of the proceedings was made on the respondents by sheriff officer.

No representations were made by the respondents.

CASE MANAGEMENT DISCUSSION

At the hearing Mr Cacace , Solicitor, appeared for the applicant.

There was no appearance by or for the respondent.

Mr Cacace confirmed that rent of £1000 was still outstanding. This represented more than 3 months rent.

There had been no communication from the respondents.

FINDINGS IN FACT

1 The respondents were due to pay rent at the sum of £300 per month in accordance with the tenancy agreement dated 19 September 2018.

2 At the time of the application being made rent was outstanding for at least 3 consecutive months and at least one months rent was still due.

3 At the time of the Case Management Discussion £1000 of rent was due .

4 An order for eviction was granted.

REASONS FOR DECISION

The paperwork provided was all in order. The respondents did not attend the Case Management Discussion and had made no written representations.

The applicant was able to confirm that there was outstanding the sum of £1000 in rent. Rent was due to be paid at the rate of £300 per month. There were rent arrears for at least 3 consecutive montsh and more than 3 months rent was still due.

DECISION

To grant an order of eviction.

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.

M.Thorley

Legal Member/Chair

21 October 2019

Date