

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/19/2417

Re: Property at 9G Ellisland Road, Cumbernauld, G67 2HG (“the Property”)

Parties:

KJB Housing Ltd.on behalf of Janice Leary, 28 Castle Road, Bathgate, West Lothian, EH48 1TJ (“the Applicant”)

Miss Fiona McLean, 9G Ellisland Road, Cumbernauld, G67 2HG (“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 applicants applied to the Tribunal under Rule 109 for an order of eviction.

Accompanying the application were the following papers

- 1 Private Residential Tenancy Agreement.**
- 2 Notice to Leave**
- 3 Email to respondent with notice to leave**
- 4 Rent Statement**
- 5 Section 11 form**
- 6 Email to local authority**
- 7 Letter of authority**

MT

The application was served personally on the respondent by sheriff officer.

No representations had been received from the respondent.

CASE MANAGEMENT DISCUSSION

At the case management discussion Ms Caldwell appeared for the applicants.

There was no appearance by or for the respondent.

The applicants representative confirmed that no rent had been paid by the respondent since April 2019.

FINDINGS IN FACT

1 That a private residential tenancy agreement existed between the parties.

2 The respondent was due to pay rent at the sum of £395 per month.

3 That rent of £2865 was outstanding.

4 That there were arrears for more than 3 consecutive months and there was more than one months rent still outstanding.

REASONS FOR DECISION

The paperwork was in order.

The applicants representative confirmed that no payment of rent had been made since April 2019.

There were arrears of rent that were significantly greater than 3 in which there were rent arrears and there was more than 7 months rent outstanding. This evidence was accepted.

DECISION

To grant an order of eviction.

MT

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.

Mark Thorley

Legal Member/Chair

21 October 2019

Date