



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71(1) of the Private Housing (Tenancies) (Scotland) Act 2016**

**Chamber Ref: FTS/HPC/EV/24/0147**

**Re: Property at 120 Philips Wynd, Hamilton, ML3 8PH (“the Property”)**

**Parties:**

**Petros Kyriakides, Maria Kyriakidou, Thessalias 27, Lycavitos, Nicosia, Cyprus (“the Applicant”)**

**Natalie Taylor, Barry McAreavey, 120 Philips Wynd, Hamilton, ML3 8PH (“the Respondent”)**

**Tribunal Members:**

**Mark Thorley (Legal Member) and Melanie Booth (Ordinary Member)**

**Decision (in absence of the Respondent)**

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

- Background

The Applicant applied to the Tribunal for an order of eviction by application dated 10<sup>th</sup> January 2024. The ground of eviction was under ground 12 namely rent arrears. At the time of application rent arrears were £4,750.00. Monthly rent was £850.00 per month. At the time of the Case Management Discussion was £13,250.00. There had been no payment of rent since July 2023.

A previous Case Management Discussion fixed in May 2024 had been adjourned. On the day prior to Case Management Discussion the Respondent sought to adjourn the hearing. This was based on her current state of health. No written representations had been lodged.

The tribunal took the view that the case had been adjourned previously and that no rent was being paid. Accordingly, the tribunal were of the view that the case management discussion required to take place.

### The Case Management Discussion

At the case management discussion, the representative for the applicant attended. There was no attendance by or for the respondent. No written representations had been made by the respondent.

Ms Woolley for the applicant confirmed that rent arrears now stood at £13,250. There had been no payment made since July 2023 and no reason had been given for non-payment.

- Findings in Fact
  1. That the parties entered into a lease agreement for the respondent to rent the property at 120 Phillips Wynd, Hamilton, ML3 8PH.
  2. Rent was due to be paid on the property at the rate of £850 per month.
  3. The last payment of rent that was made was in July 2023.
  4. Rent arrears at the date of the application were £4,750 and at the date of the case management discussion were £13,250.
  
- Reasons for Decision

There was no appearance by or for the respondent. No defence was set out. The applicant had lodged supportive paperwork confirming the outstanding rent arrears. No rent had been paid since July 2023 and no explanation had been given. The rent arrears now amounted to £13,250. It was reasonable in the circumstances to grant eviction.

- Decision

To grant an order of eviction of the respondent from the property.

### 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

25<sup>th</sup> October

Legal Member/Chair

\_\_\_\_\_  
Date