

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 Sections 51 and 71 of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Reference No: FTS/HPC/EV/24/4754

Re: Property at 24 Millcroft Road, Cumbernauld, G67 2QQ (“the Property”)

Parties:

**Mr Kumarasamy Jeyanthan, 6 Rounton, Watford, WD17 4DU (“the Applicant”)
and**

**Guardian Lettings and Sales Ltd, 6-8 Tullis Street, Glasgow, Glasgow, G40 1HN
 (“the Applicant’s Representative”)**

and

**Mrs Diana Dontsova and Mr Roman Dontcov, 24 Millcroft Road, Cumbernauld,
G67 2QQ (“the Respondents”)**

Tribunal Members:

**G McWilliams- Legal Member
H Barclay- Ordinary Member**

Decision in absence of the Respondents:

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determines to grant an eviction order.

Background

1. This is an Application for an eviction order in terms of Rule 109 (Application for an eviction order) of The First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the 2017 Rules”).

Case Management Discussion

2. A Case Management Discussion (“CMD”) proceeded by remote teleconference call at 2pm on 12th June 2025. The Applicant’s Representative’s Mr P Wacławski attended. The Respondents did not attend and were not represented. There was

no explanation for their absence. The Tribunal noted that the Application case papers, for both Respondents, had been served by Sheriff Officers personally in the hands of the Respondent Mr Dontcov on 25th March 2025.

3. Mr Waclawski referred to the Application case papers, in particular the Rent Statements which had been submitted. The Application papers were lodged with the Tribunal on 15th October 2024, when the Respondents arrears of rent were in the sum of £1,625.00. Mr Waclawski stated that he understands that the Respondents remain resident in the Property. Mr Waclawski also referred to his colleague Mr Girdwood's e-mail to the Tribunal's office, on 15th May, amending the amount of rent arrears to £2,375.00. He said that the arrears are now in the sum of £2,700.00. Mr Waclawski stated that when the parties' private residential tenancy agreement ("PRT") started in October 2022 the Respondents were both in employment. He said that he was not aware of them having any children and that it was only themselves that resided in the Property, which has one bedroom. Mr Waclawski stated that he was also not aware of the Respondents having any medical conditions. He said that he and his colleagues had been trying to communicate with the Respondents for some six months but had not had any responses from them. Mr Waclawski stated that he and his colleagues manage two other rented properties for the Applicant. Mr Waclawski asked the Tribunal to grant the eviction order sought in the Application.

Findings in Fact and Law and Reasons for Decision

4. In terms of Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016 ("the 2016 Act") the Tribunal is to issue an eviction order under a PRT if, on application by a landlord, it finds that one of the eviction grounds named in Schedule 3 applies.
5. Schedule 3 (12) to the 2016 Act provides that it is an eviction ground that a tenant has been in rent arrears for three or more consecutive months.
6. Having considered all of the documentary evidence, representations and the submission of Mr Waclawski, the Tribunal finds in fact that the Applicant, through his Representative, has provided the Tribunal, in his Application for an eviction order, with copies of the parties' PRT, the Notices to Leave ("NTL") served on the Respondents and the Section 11 (Homelessness etc. (Scotland) Act 2003) Notice intimated to North Lanarkshire Council. All of these documents and forms had been correctly and validly prepared in terms of the provisions of the relevant legislation, and the procedures set out in the legislation had been correctly followed and applied. The NTL, and the Application for an eviction order, proceed in terms of Schedule 3 (12) in the 2016 Act. The Tribunal further finds in fact that when the Application was lodged with the Tribunal's office, in October 2024, the Respondents were in rent arrears of £1,625.00 and had been in arrears for three or more consecutive months. The Tribunal also finds in fact that the current rent arrears are in the sum of £2,700.00. The Respondents remain resident in the Property.
7. In making its findings in fact the Tribunal relied on the documentation within the Application and, in particular, the oral submission of Mr Waclawski, the terms of which were consistent with the terms of the relevant documentation.

8. The Tribunal, in making their findings in fact, also placed reliance on the absence of any contradictory information or submissions from the Respondents. The Application case papers and details of the CMD had been intimated to them by Sheriff Officers on 25th March 2025. They are aware of the important nature of the Application but have not attended at the CMD and have not made any oral or written representations regarding the merits and the reasonableness of the grant of the eviction order sought.
9. Accordingly, the Tribunal finds in law that the ground in Schedule 3 (12) to the 2016 Act is met as the Respondents have been in rent arrears for three or more consecutive months and that it is reasonable that an eviction order be granted.

Decision

10. Therefore, the Tribunal makes an order for eviction of the Respondents Mrs Diana Dontsova and Mr Roman Dontcov from the Property at 24 Millcroft Road, Cumbernauld, G67 2QQ.

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.

G McWilliams

12th June 2025
