

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 of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/EV/19/3092

Re: Property at 29 Cameron Crescent, Hamilton, South Lanarkshire, ML3 6NT (“the Property”)

Parties:

Mr Gerald Kelly, 29 Wellhall Road, Hamilton, South Lanarkshire, ML3 9BN (“the Applicant”)

Mr Gary Russell, 29 Cameron Crescent, Hamilton, South Lanarkshire, ML3 6NT (“the Respondent”)

Tribunal Members:

Alison Kelly (Legal Member)

Decision (in absence of the Respondent)

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

Background

On 1st October 2019 the Applicant lodged an application seeking eviction of the Respondent from the property.

Lodged with the application were:

1. Copy Tenancy Agreement
2. Copy Notice To Leave
3. Copy Section 11 Notice

The Applicant was asked for proof of service of the Notice To Leave, and produced an email from the Respondent, dated 8th August 2019, in which the Respondent confirmed that he had received it.

Case Management Discussion

The Applicant represented himself. The Respondent did not appear and was not represented.

The Applicant explained that at the date of the Notice To Leave, 22nd July 2019, the Respondent was in arrears of rent for a period of three months.

As at today's date he is in arrears in the amount of £3716.60 and has been consistently in arrears for in excess of three months. As far as the Applicant is aware there has been no application for benefits.

Findings In Fact

1. The parties entered in to a Tenancy Agreement for the property;
2. The monthly rent was £475 per month;
3. A Notice to Leave dated 22nd July 2019 was served on the Respondent;
4. As at 22nd July 2019 the Respondent owed three months' rent to the Applicant;
5. As at today's date the Respondent owes £3716.60 to the Applicant;
6. The arrears have not been accrued as a result of the failure or delay in payment of a relevant benefit.

Reasons For Decision

The criteria laid down in Ground 12 of Schedule 3 to the Private Housing (Tenancies) (Scotland) Act 2016 has been satisfied.

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.

Alison Kelly

Legal Member/Chair

Date

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