

**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/19/3407**

**Re: Property at 67 Leeward Circle, East Kilbride, G75 8PA (“the Property”)**

**Parties:**

**Excel Property, 6 Baird Crescent, Hamilton, ML3 9FD (“the Applicant”)**

**Mr Gordon Hugh Cross, 67 Leeward Circle, East Kilbride, G75 8PA (“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 of eviction be granted.**

- **Background**

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The applicant applied to the first tier tribunal by application dated 23 October 2019 under Rule 109 for an Order of eviction. Accompanying the application is a copy of the private residential Tenancy Agreement, Notice to Leave and Sheriff Officer’s execution of service, rent statement, Section 11 Notice and email to local authority intimating Section 11 Notice.

The Respondent had made no representations subject to the service of the application.

The application had been served by Sheriff Officers on 21 November 2019.

Mark Thorley

- The Case Management Discussion

At the Case Management Discussion Ms Morrison appeared on behalf of the applicant. There was no appearance by or for the Respondent. It was confirmed that no rent had been paid since the date of the application.

- Findings in Fact

1. The tenancy was created by private residential tenancy agreement dated 1 May 2018.
2. Rent was due to be paid at £375 per month.
3. As at 23 October 2019 the amount of rent outstanding was £2,250.
4. No rent had been paid since the date of the application being made to the tribunal.

- Reasons for Decision

The applicant's solicitor confirmed that no rent had been paid since the date of the application. There was no appearance by or for the respondent. The Tribunal accepted the position and accordingly granted the Order.

- Decision

An Order for eviction was granted.

### 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

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Legal Member/Chair

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Date

23 October 2019