



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/19/3432

Re: Property at 11 Ladeside Gardens, Kilbirnie, KA25 7EA (“the Property”)

Parties:

Denbrae Limited, 45 Preston New Road, Blackburn, Lancashire, BB2 6AE (“the Applicant”)

Mr Anthony Martin Lavelle, 11 Ladeside Gardens, Kilbirnie, KA25 7EA (“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 24th October 2019 The Applicant raised an action for eviction against the Respondent based on rent arrears.

Lodged with the application were:

1. Copy Tenancy Agreement
2. Copy Notice To Leave
3. Copy Execution of Service of Notice To leave
4. Copy Section 11 Notice

Case Management Discussion

The Applicant was represented by Derek Barnes, owner of the company. The Respondent did not appear and was not represented.

Mr Barnes told the Tribunal that the Respondent had not paid rent, as shown on the rent statement, and had not paid any rent since the Application was lodged. The Respondent was in arrears of rent for a continuous period of more than three months, and therefore the eviction order should be granted. The Respondent has made no effort to contact the Applicants regarding the arrears.

Findings in Fact

1. The parties entered in to a tenancy agreement for the Respondent to rent the property from the Applicant;
2. The rent was £850 per calendar month;
3. At the date of service of the Notice To Leave, 2nd October 2019, the rent arrears were £7650, being 9 full months;
4. At the date of the hearing the arrears were being 11 full months.

Reasons for Decision

The terms of Ground 12 of Schedule 3 to the Private Housing (Tenancies) (Scotland) Act 2016 have been met, in that the rent has been in arrears for three or more consecutive months, and it is reasonable to grant the eviction order given the rent is now in arrears by 11 months and no contact has been made by the Respondent.

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

6/1/2020

Date