

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/18/3011

Re: Property at 2 Kelvin Street, Grangemouth, FK3 8EX (“the Property”)

Parties:

Mr Gurmit aka Sonny Kareer, 15 Ventnor Road South, Leicester, LE2 3RZ (“the Applicant”)

Mr John Johnstone, 2 Kelvin Street, Grangemouth, FK3 8EX (“the Respondent”)

Tribunal Members:

Andrew McLaughlin (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that:

This matter called as a Case Management Discussion at 2pm on 23 January 2019 at Fife Voluntary Action, 16 East Fergus Place, Kirkcaldy. The Applicant was represented by Mr David Aiton. There was no appearance by or on behalf of the Respondent.

The Tribunal was satisfied that a Notice to Leave had been served on the Respondent correctly giving notice of the intention to bring this Application. The Tribunal was satisfied that this Notice had been served on the Respondent. The Tribunal was also satisfied that at the date of service of the Notice to Leave and at today’s Hearing that three months contractually due rent was lawfully in arrears.

Mr Aiton lodged an up-to-date rent statement showing that the current rent arrears had increased to £2,506.67. The Tribunal considered that all other statutory and procedural requirements had been adequately complied with

including intimation of this Application and notification to the local authority in respect of s11 of the Homelessness Etc (Scotland) Act 2003.

The Tribunal therefore granted the Application and made an Eviction Order.

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.

Andrew McLaughlin

Legal Member/Chair

23/1/19

Date