



**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/22/0095

**Property:** 7 Cheviot Crescent, Wishaw ML2 7PN (“the Property”)

**Parties:** Mrs Carrie Prescott, Mr Neville Prescott, 40 Belhaven Terrace, Wishaw ML2 7RN (“the Applicants”)

and

Mr Jack Lindsay, 7 Cheviot Crescent, Wishaw ML2 7PN (“the Respondent”)

**Tribunal Members:**

Mark Thorley (Legal Member)

Gerard Darroch (Ordinary Member)

**Decision (in absence of the respondent)**

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

**Background**

1. By application dated 13 January 2022 the applicant applied for an order of eviction of the respondent from the property address at 7 Cheviot Crescent, Wishaw ML2 7PN. Accompanying the application was a copy of the Tenancy Agreement, Landlord Authorisation, change of email address, Notice to Leave and proof of service, Section 11 Notice and proof of serving and Form E.
2. The application was received by the tribunal on 14 January 2022. On 1 February 2022 the application was accepted by the tribunal. Intimation of the case management hearing for 29 April 2022 was sent out to the respondent on 9 March 2022 and sheriff officers deposited a copy of the application on 11 March 2022.
3. The respondent did not provide any written representations.

**Case Management Discussion**

4. At the case management discussion Mrs Lloyd from Independent Estates attended on behalf of the applicant. There was no appearance by or for the respondent.
5. Mrs Lloyd confirmed that the respondent was still in occupation of the premises. Mrs Lloyd went on to narrate that the applicant was keen to sell the property. They had not been able to engage as yet an estate agent because the respondent was still in occupation. However the first named applicant had been seriously unwell. There was financial pressure.
6. Mrs Lloyd through Independent Estates had attempted to engage with the respondent without success.

**Findings in fact**

7. The parties had entered into a Private Residential Tenancy Agreement for the property at 7 Cheviot Crescent, Wishaw ML2 7PN with a commencement date of the tenancy of 1 August 2019.
8. Rent was due to be paid in respect of the property at the rate of £375 per month payable monthly and in advance.
9. The applicant wishes to sell the property.
10. Intimation of all the relevant forms have been made to the respondent.
11. The respondent has not engaged with the process.
12. The property is to be sold by the applicant.
13. An order for eviction was granted.

**Reasons for decision**

14. Mrs Lloyd on behalf of the applicant set out the case for the respondent namely that the first named applicant had been in and out of hospital for the last two years. There were serious financial issues. The respondent had been contacted but had not responded. There were no written representations. There were significant rent arrears in respect of the property now in extent to the sum of £6,120 which was a significant factor in the financial issues of the applicant.
15. The tribunal accepted the evidence provided by Mrs Lloyd on behalf of the applicant. The paperwork was in order. There was no written response nor any attendance by the respondent at the hearing.

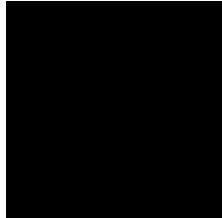
**Decision**

To grant an order for eviction.

**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.**

**Legal Member/Chair**



**Date:** 29 April 2022