

**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/19/2069**

**Re: Property at 118 Dalriada Crescent, Motherwell, ML1 3XS (“the Property”)**

**Parties:**

**TCIB Residential LLP Trading as Newkeylets, 119 Main Street, Wishaw, ML2 7AU (“the Applicant”)**

**Mr Jan Patryk, 118 Dalraida Crescent, Motherwell, ML1 3XS (“the Respondent”)**

**Tribunal Members:**

**Gillian Buchanan (Legal Member)**

**Decision**

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

At the Case Management Discussion (“CMD”) on 23 September 2019, the Applicant was represented by Mr Andrew Smith. The Respondent was neither present nor represented.

**Background**

- The Applicant is the landlord of the Property.
- The Respondent is the tenant of the Property in terms of a Private Residential Tenancy Agreement signed on 10 January 2019.
- The start date of the tenancy is stated in the Agreement to be 10 January 2019.
- In terms of the Agreement the rent payable by the Respondent to the Applicant was agreed to be £300 per calendar month payable in advance on the ninth day of each month.
- As at 2 July 2019 the arrears accrued were £840.00 with payment of rent having been constantly in arrears since 9 February 2019.

- The Respondent has had due intimation of this application, the papers having been served by Sheriff Officers on 19 August 2019.

### **The Case Management Discussion**

- At the CMD Mr Smith stated that the rent arrears had increased since the application to the Tribunal was made and now stood at “around £1,700”.
- Mr Smith also stated that the Respondent had attended at his offices on Thursday 19 September 2019 and had returned the keys to the Property. However on attending at the Property on 23 September 2019 he found friends of the Respondent still in occupation and they refused to leave.
- On behalf of the Applicant Mr Smith sought an order for eviction of the Respondent.

### **Reasons for Decision**

- There exists between the parties a Private Residential Tenancy.
- The Respondent has been in arrears of rent for a continuous period of more than three consecutive months.
- The Respondent is due total arrears of rent that exceed one month’s rent.
- The Respondent has had due intimation of this application in terms of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017.
- The terms of Ground 12 of Part 3 of Schedule 3 of the Act are met and the Tribunal must therefore issue an eviction order.

### **Decision**

The Applicant is entitled to an order for eviction and the Tribunal made an order to that effect.

### **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.**

Gillian Buchanan  
Legal Member/Chair

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Date

23 September 2019