

**Housing and Property Chamber**  
First-tier Tribunal for Scotland

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**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/22/0832

**Property:** 60 Main Street, Flat 3, Campbeltown, PA28 6AB (“the Property”)

**Parties:** Ms Elaine Macinnes, 11 Movern Hill, Oban PA34 4NS (“the Applicant”)

Mr Mark Gillies, 60 Main Street, Flat 3, Campbeltown, PA28 6AB (“the Respondent”)

**Tribunal Members:**

Mark Thorley (Legal Member)  
Angus Lamont (Ordinary 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**

1. The applicant applied to the tribunal by application dated 20 March 2022. Accompanying the application were a copy of the evidence of rent arrears, including bank statements. Notice to Leave, proof of postage, Section 11 Notice and proof of emails sent to the Council along with a copy of the Private Residential Tenancy Agreement.
2. The application was received by the tribunal on 23 March 2022 and further information was sought.
3. The application was accepted on 6 May 2022. Intimation of the application was made by sheriff officer on 6 June 2022.
4. No written representations were received from the respondent.

**Case Management Discussion**

5. At the hearing Mr Stevenson, Solicitor attended on behalf of the applicant. There was no appearance by or for the respondent.
6. Rent was now outstanding in the sum of £4,651.78. There had been no payment of any rent since July 2021.

### **Findings in fact**

7. The parties entered into a Private Residential Tenancy Agreement for the property at 60 Main Street, Flat 3, Campbeltown, PA28 6AB with effect from 14 April 2021.
8. Rent was due to be paid at the rate of £400 per month.
9. The respondent had paid no rent since July 2021.

### **Reasons for decision**

10. The applicant had provided sufficient paperwork to establish her case. She provided a rent statement and bank statements. The respondent had not answered the case. He had not answered it in writing or had attended at the case management discussion.
11. No payment of rent had been received since July 2021. This had been significantly in excess of three months. Accordingly the order was granted.

### **Decision**

12. 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.**

<sup>1 1 1</sup>  
**Mark Thorley**

**Legal Member/Chair:**

**Date:** 13 July 2022