



**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/20/0239**

**Re: Property at 18 Bankside Court, Denny, FK6 6HA (“the Property”)**

**Parties:**

**Mr Mohammad Issa, Mrs Safia Issa, 29 Hillcrest Place, Head of Muir, Denny, FK6 5PN (“the Applicant”)**

**Ms Lindsay McDonald, 18 Bankside Court, Denny, FK6 6HA (“the Respondent”)**

**Tribunal Members:**

**Mark Thorley (Legal 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 applicants applied to the First-tier Tribunal for Scotland by application dated 22 January 2020.**
- 2. Accompanying the application were the following documents:**
  - (a) Notice to Leave dated 18 December 2019;**
  - (b) Private Residential Tenancy Agreement dated 28 February 2019;**
  - (c) Rent statement;**
  - (d) Bank statements.**

## **Case Management discussion**

**At the case management discussion the applicants both attended along with their daughter Ms Sajida Naeem. The applicants wanted their daughter to speak on their behalf. There was no appearance by or for the respondent.**

**The applicants confirmed that since the application had been lodged no rent had been paid. Rent was now outstanding in the sum of £6,600. The last payment of any rent was in August 2019.**

## **Findings in Fact**

- 1. The parties entered into a Tenancy Agreement which was dated 28 February 2019.**
- 2. Rent was due to be paid by the respondent at the rate of £150 per week.**
- 3. At the time of the application being made to the Tribunal on 22 January 2020 rent arrears stood at £3,600 which was significantly more than three months of outstanding rent.**
- 4. At the time of the case management discussion rent arrears had increased to the sum of £6,600.**
- 5. An order for eviction should be granted.**

## **Reasons for Decision**

**The paperwork was all in order. The bank statements provided by the applicants together with the rent statement showed that at the time of lodging of the application that the tenant was in rent arrears of the sum of £3,600.**

**The respondent did not attend nor was represented on the conference call.**

**The applicants confirmed that no rent had been paid since the application had been lodged and rent arrears stood now at the sum of £6,600.**

**Both these figures are significantly in excess of three months of outstanding rent.**

**In the circumstances an order for eviction was granted.**

## **Decision**

**An order for eviction is 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.**

Mark Thorley  
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10 July 2020  
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**Legal Member/Chair**

**Date**