

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 18 of the Housing (Scotland) Act 1988

Chamber Ref: FTS/HPC/EV/19/0089

Re: Property at 35 Kilrymont Road, St Andrews, Fife, KY16 8DE (“the Property”)

Parties:

KKAJS Limited, c/o The Fortress Group, 4th Floor Exchange House, 54/62 Athol Street, Douglas, Isle of Man (“the Applicant”)

Mr James McGrory, Mrs Anne McGrory, 35 Kilrymont Road, St Andrews, Fife, KY16 8DE (“the Respondent”)

Tribunal Members:

Fiona Watson (Legal Member) and Ahsan Khan (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order is granted against the Respondents for possession of the Property under section 18 of the Housing (Scotland) Act 1988.

A Hearing took place on 31 October 2019. The Applicant was represented by Mr Fairgrieve of Thorntons, Solicitors. Mr James McGrory, Respondent was personally present and represented by Mr Fairbridge of Pollock Fairbridge Schiavone Solicitors.

The Hearing called at 10am and was thereafter adjourned for a period of time to allow parties to discuss matters between themselves with a view to agreeing terms of settlement. The Hearing reconvened and the Respondent confirmed that he would consent to the Order being granted as sought in terms of the Application.

The Tribunal was satisfied that a Form AT6 had been served on the Respondents in terms of section 19 of the 1988 Act and that Ground 8 of Schedule 5 to the said Act applied, in that the Respondents were in arrears of at least three months’ rent.

Accordingly, the Tribunal granted an order against the Respondents for possession of the Property under section 18 of the Housing (Scotland) Act 1988.

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.

Fiona Watson

Legal Member/Chair

31/10/19

Date