

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 (1) of the Housing
(Scotland) Act 1988 (Act)**

Chamber Ref: FTS/HPC/EV/19/0927

Re: Property at 6 King George Close, Stranraer, DG9 7TN (“the Property”)

Parties:

**Novantie Ltd, Grierson House, The Crichton, Bankend Road, Dumfries, DG1
4ZS (“the Applicant”)**

Ms Jemma Cloy, 6 King George Close, Stranraer, DG9 7TN (“the Respondent”)

Tribunal Members:

Alan Strain (Legal Member)

Decision

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that the order for eviction/recovery of possession be
granted.**

Background

This is an application for eviction/recovery of possession in terms of section 18(1) of the Act and Rule 65 of the Tribunal Procedure Rules.

The Tribunal had regard to the following documents:

1. Application received 22 March 2019;
2. Tenancy Agreement commencing 18 August 2017;
3. AT5 dated 18 August 2017;
4. AT6 dated 22 November 2018;
5. Notice to Quit dated 22 November 2018;
6. Section 33 Notice;
7. Section 11 Notice;
8. Certificate of Service by Sheriff Officer dated 30 November 2018;
9. Statement of Rent Arrears.

Case Management Discussion (CMD)

The case called for a CMD on 14 May 2019. The Applicant was represented by Mr Watt, Solicitor. The Respondent was present and represented herself.

The Applicant sought recovery of possession on the basis of Ground 8, Schedule 5 to the Act.

The Respondent accepted that at the time of service of the AT6 she was in excess of 3 months in arrears and as at the date of the CMD the arrears were £4,081.11. She also accepted that the arrears were not due in any way to failure or delay in paying any relevant benefit.

The Tribunal accordingly made the following findings in fact:

1. The Parties entered in to a lease of the Property commencing 18 August 2017;
2. The monthly rent was £407.33;
3. As at the date of service of the AT6 the arrears were £2,872.13;
4. As at the date of the CMD the arrears were £4,081.11;
5. The arrears were not in any part due to a failure or delay in paying a relevant benefit.

The Tribunal considered matters carefully and decided that it had sufficient information to make a decision and it was fair to do so.

The Tribunal was satisfied that Ground 8 was made out and accordingly granted the order sought.

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.

**Alan Strain
Legal Member/Chair**

14 May 2019
Date