



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section under Section 18 of the Housing (Scotland) Act 1988

Chamber Ref: FTS/HPC/EV/19/2385

Re: Property at 50 Craigielea Road, Renfrew, PA4 8NH (“the Property”)

Parties:

Mr Alan Sneddon, 9 St Andrews Rd, Renfrew, PA4 0SN (“the Applicant”)

Mr John McGeough, Ms Maria McHugh, 50 Craigielea Road, Renfrew, PA4 8NH (“the Respondents”)

Tribunal Members:

Gabrielle Miller (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the order for recovery and possession should be granted in favour of the Applicant

1. An application was received by the Housing and Property Chamber on 30th July 2019. It was dated 30th July 2019. The application was submitted under Rule 65 of The First-tier for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 Regulations”). The application was based on the Respondent not adhering to ground 8 of Schedule 3 of the Housing (Scotland) Act 1988.
2. The application included:-
 - a. Short Assured Tenancy Agreement signed 22nd October 2017. The tenancy commenced 1st November 2017 for six months with the end date being 1st May 2018.
 - b. Form AT5 signed by the parties on 22nd October 2017.
 - c. Notice to Quit dated 20th February 2019 with confirmation of receipt together with the AT6 signed by John McGeough and Maria McHugh.
 - d. AT6 dated 20th February 2019 raising ground 8 with proceedings not to be raised before 8th March 2019.
 - e. Section 11 Notice noting date of raising proceedings 22nd July 2019.

- f. Rent statement dated 1st September 2018 to 1st July 2019 with arrears amounting to £4720. Detailing that the weekly rent of £650 per month.
3. The Tribunal also had before it a copy of the title deeds numbered REN14772.
4. On 21st August 2019, all parties were written to with the date for the Case Management Discussion ("CMD") of 1st October 2019 at 10am at Glasgow Tribunal Centre, York Street, Glasgow. The letter also requested all written representations be submitted by 6th September 2019.
5. On 23rd August 2019, sheriff officers served the letter with notice of the hearing date and documentation upon the Respondents and was accepted at the address by the First Named Respondent, Mr McGeough. This was evidenced by Certificate of Citation dated 23rd August 2019.

The Case Management Discussion

6. A CMD was held on 1st October 2019 at 10am at Glasgow Tribunal Centre, York Street, Glasgow. The Applicant represented himself. The Respondents were not initially present but arrived at 10.17 due issues parking. Neither party made representations in advance of the hearing. The Applicant informed the Tribunal that the Respondents last paid a £440 payment in on 1st March 2019 though a Universal Credit payment. The current arrears stand at £6020. The Applicant informed the Tribunal that he received an offer for payment of £150 per week on 6th August 2019 but the payments were not forthcoming. The Respondents confirmed that they has been in receipt of Universal Credit but was now subject to an overpayment and there were no outstanding amounts due. They also informed the Tribunal that Mr McGeough was due to start a new job but did not have an offer to pay the arrears to reduce them below the 3 month limit today. Both Respondents accepted that the outstanding arrears were due.

Findings and reason for decision

7. The parties entered into a Short Assured Tenancy on 1st November 2017 with the commencement of the tenancy on 1st November 2017 for a 6 months period until 1st May 2018. An AT5 was signed by both parties on the same date as the lease on 22nd October 2017. The rent payments of £650 are due on the 1st day of each month.
8. The Housing and Property Chamber received an Application on 30th July 2019.
9. The Respondent persistently failed to pay her rent charge of £650 per month. The rent payments are due to be paid on 1st day of each month.
10. There are no outstanding Housing Benefit or Universal Credit housing elements issues.

11. The arrears totalled £4720 at the point of the application but had risen to £6020 by the date of the Tribunal.

Decision

12. The Tribunal found that ground 8 has been established and the granted an order in favour of the Applicant. The Applicant is entitled to for an Order of for recovery of possession.

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.

Gabrielle Miller

Legal Member/Chair

1 OCT 19

Date