



**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**

Reference number: FTS/HPC/EV/19/2589

Date Order was granted 29 November 2019 in presence of the Respondents

Property: 1 St Brides Way, Bothwell, Glasgow, G71 8QQ

**Parties:**

William Stuttard, residing at Springdale, Wyesham Road, Monmouth NP25 3JH ("the Applicant(s)")

Robert Norman and Clare McGill, residing at 1 St Brides Way, Bothwell, Glasgow G71 8QQ("the Respondent(s)")

**Tribunal Members:**

**Paul Doyle (Legal Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") makes an order for possession of the Property in terms of section 18 of the Housing (Scotland) Act 1988.**

**Background**

The Applicant sought recovery of possession of the Property in terms of Section 18 of the Housing (Scotland) Act 1988 (the "1988 Act"). The Applicant had lodged with the Tribunal Form E. The documents produced were a Tenancy Agreement and form AT6 dated 22/03/2019, a s.33 notice bringing the tenancy to an end on 1 June 2019 and a Notice to quit dated 22/03/2019 together with a notice to the local authority in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003. A copy title sheet was lodged with the Tribunal which showed that the applicant is the heritable proprietor of the Property.

## **Case Management Discussion**

A case management discussion took place before the Tribunal at 2.00pm on 29 November 2019 at the Glasgow Tribunals Centre, 20 York street, Glasgow G2 8GT. The Applicant was present and was unrepresented. The respondents were present and represented themselves.

## **Findings in Fact**

The Tribunal made the following findings in fact:

1. The Applicant and the Respondents entered into a Short-Assured Tenancy Agreement for the Property dated 25 and 26 April 2017.
2. The period of the Lease was from 1 May 2017 to 1 November 2017 and thereafter on a month to month basis.
3. The initial rent in terms of the Tenancy Agreement was £550.00 per month.
4. Between 1 August 2017 and 1 September 2019 the respondents failed to pay the full monthly rental. Between 1 April 2018 and 1 September 2019 only one payment of £550 was made. By 1 September 2019 arrears of rental totalling £11,780 had accrued. No payments of rental have been made since 1 August 2018. It is now 15 months since any rental was paid, so that the rental was in arrears for more than three months at the date of application and there are more than three months arrears of rent at today's date.
5. Notice of the date of this hearing was served on the Respondent by sheriff officers on 30 October 2019. The Respondents agree that arrears of £11,780.00 had accrued by the date of application. The Respondents offer no resistance to this application for repossession of the property.
6. The Tenancy Agreement set out the grounds on which the Landlord could seek recovery of possession of the Property in terms of Schedule 5 of the 1988 Act.
7. A Form AT6, a notice to quit and a s.33 notice (all dated 22 March 2019) were served on the Respondent on 22 March 2019. An Application was made to the Tribunal on 16 August 2019 which was more than two months after the date of service of the AT6.
8. The Applicant sought recovery of possession of the Property on Grounds 8, 11 and 12 of schedule 5 to the Housing (Scotland) Act 1988.

9. At the date of service of the notice to quit, form AT6 & s.33 notice, and at the date of application, there were arrears of rental totalling £11,780. At today's date there are arrears of rental totalling almost £13,000.00.

10. At the date of service of the AT6 and at the date of making this Application there was at least 3 months' rent lawfully due in arrears. The basis for possession set out in ground 8 of schedule 5 to the 1988 Act are established.

### **Reasons for the Decision**

The Tribunal determined to make an Order for possession of the Property in terms of Section 18 of the 1988 Act. At the date of application three months' rent was due. At today's date more than three months' rent is due. The basis for possession set out in ground 8 of schedule 5 to the 1988 Act is established. Ground 8 is a "mandatory" ground. For these reasons, the Tribunal determined to grant an Order for possession. The AT6 has been served on the Respondents and has provided the requisite period of notice. This Application has been made within a period of 6 months after the service of the AT6.

### **Decision**

For the foregoing reasons, the Tribunal determined to make an Order for 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.**

Paul Doyle

**Legal Member**

**29 November 2019**