

**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**  
Chamber Ref: FTS/HPC/EV/19/3539

**Re: Property at 37 Hartlaw Crescent, Glasgow, G52 2JJ (“the Property”)**

**Parties:**

**Mullberry Homes Limited (former Paddle Ltd), 45 Preston New Road, Blackburn, Lancashire, BB2 6AE (“the Applicant”)**

**Mr James Meldrum, Ms Jacqueline MacDonald, 37 Hartlaw Crescent, Glasgow, G52 2JJ (“the Respondents”)**

**Tribunal Members:**

**Yvonne McKenna (Legal Member)**

**Decision (in absence of the Respondents)**

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

**Background**

- The Applicant applied to the First-Tier Tribunal for an order for possession of the Property by way of application. Along with the application was submitted Form AT6 and a Notice To Quit both dated 21<sup>st</sup> August 2019 (as well as proof of posting) and a copy of the tenancy agreement dated 14<sup>th</sup> October 2013. A rent statement was also produced as well as a copy of a writ and decree from Glasgow Sheriff Court dated 7<sup>th</sup> August 2018 in the sum of £6,180 in relation to sums due to the Applicant from the Respondents in relation to the Property at that date.
- The Respondents made no written submissions to the Tribunal.

**Case Management Discussion(CMD)**

- A CMD took place at 14.00 on 15<sup>th</sup> January 2020 at Glasgow Tribunals Centre, Room 111, 20 York Street, Glasgow, G2 8GT.
- The Applicant participated at the CMD by Conference Call as arranged with the Tribunal. The Applicant is a company and the owner and major shareholder Mr Derek Barnes was present conducting the conference call assisted by the company solicitor Mr. John Swindell.
- The Respondents were not present and had made no contact with the Tribunal.
- The Applicant advised that the rent outstanding at the date of service of the requisite AT6 and Notice to Quit was £15,820. The current amount outstanding is £17,748.
- In terms of the tenancy agreement rent was due at the rate of £482 per calendar month
- No money has been paid since January 2017. Accordingly there was well in excess of three month's rent due both currently and at the date of service of the AT6 and Notice to Quit.

### **Findings in Fact**

1. A tenancy existed between the parties dated 14<sup>th</sup> October 2013.
2. Rent was due to be paid at the rate of £482 per calendar month.
3. Arrears of £17,748 had accrued.
4. The order for possession should be granted.

### **Reasons for Decision**

- Arrears of more than three month's rent are now outstanding and were outstanding when the notices were served. The Respondents have received all of the necessary paperwork. No defence was stated and no challenge taken to the amount of arrears.

### **Decision**

- **To grant the order for possession of the Property.**

### **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.**

Yvonne McKenna

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Legal Member/Chair

15/01/2020  
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Date