



**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/19/2458

**Re: Property at Cosyden, Clachanmore, Ardwell Estate, Stranraer,
Wigtownshire, DG9 9PQ (“the Property”)**

Parties:

**Ardwell Estates Ltd, The Estate Office, Ardwell, Stranraer, DG9 9LY (“the
Applicant”)**

**Mrs Marguerite Squires, Cosyden, Clachanmore, Ardwell Estate, Stranraer,
Wigtownshire, DG9 9PQ (“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 and recovery of possession
be granted.**

Background

This is an application under section 18(1) of the Act and Rule 65 of the Tribunal
Procedure Rules seeking eviction and recovery of possession under Ground 8 of
Schedule 5 to the Act.

The Tribunal had regard to the following documents:

1. Application received 6 August 2019;
2. Short Assured Tenancy (SAT) commencing 1 February 1999;
3. AT5 dated 12 January 1999;
4. Notice to Quit dated 1 May 2019;
5. Section 33 Noticed dated 1 May 2019;
6. AT6 dated 1 May 2019;

7. Royal Mail Certificate of Posting Notice to Quit, Section 33 Notice and AT6;
8. Section 11 Notice;
9. Schedule of Rent Arrears.

Case Management Discussion (CMD)

The Applicant was not present but was represented by Mr Evans. The Respondent was not present but was represented by Mrs Grier.

The Respondent had not adhered to the payment agreement reached between the Parties so the Applicant sought the order for eviction. The Tribunal were referred to an up to date Schedule of Arrears which showed that the Respondent was £5,850 in arrears as at the date of the CMD.

Mrs Grier confirmed that the Respondent had no defence to the application and relayed further payment proposals. The Applicant's agent confirmed that his client wished an order.

The Tribunal considered the documentation and made the following findings in fact:

1. The Parties entered into the SAT commencing 1 February 1999;
2. Notice to Quit, Section 33 Notice and form AT6 all dated 1 May 2019 were served on the Respondent by post on 1 May 2019;
3. Section 11 Notice had been served on the local authority;
4. As at the date of service of the AT6 the Respondent was in excess of 3 months rent arrears;
5. As at the date of the CMD the Respondent was £5,850 in rental arrears which was in excess of 3 months rent;
6. The rent arrears were not due to any failure or delay in payment of a relevant benefit.

The Tribunal was satisfied that it had sufficient information to make a decision and that the procedure was fair. The Tribunal considered that Ground 8 was established and that it was reasonable to grant the order for eviction and recovery of possession.

The order was accordingly granted.

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

5 December 2019

Legal Member/Chair

Date