



**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**

**Chamber Ref: FTS/HPC/EV/19/3283**

**Re: Property at 37 Main Road, Springside, Irvine, KA11 3AX (“the Property”)**

**Parties:**

**Ambercroft Properties Limited, Acre House, 11/15 William Road, London, NW1  
3ER (“the Applicant”)**

**Mr Joe Scott, Ms Margo Mcleod, 37 Main Road, Springside, Irvine, KA11 3AX  
 (“the Respondent”)**

**Tribunal Members:**

**Alison Kelly (Legal Member)**

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

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

**Background**

On 14<sup>th</sup> October 2019 the Applicant’s Solicitors lodged an application under Rule 65 of the Tribunal’s Procedural Rules seeking eviction of the Respondent on the basis of rent arrears.

Lodged with the Application were:

1. Copy Tenancy Agreement
2. Copy AT6 regarding Joe Scott
3. Copy AT6 regarding Margo McLeod
4. Execution of Service of AT6
5. Copy Section 11 Notice

## **Case Management Discussion**

The Applicant was represented by Mr Cameron of Gilson Gray, Solicitors. The Respondents were not present and were not represented. Mr Cameron moved that the order for eviction be granted, submitting that the Applicant had satisfied the conditions for Ground 8 of Schedule 5 to the Housing (Scotland) Act 1988.

Mr Cameron submitted that at the date of service of the AT6 on Mr Scott, 21<sup>st</sup> August 2019, the arrears were £4050, representing 9 months' rent. At the date of service of the AT6 on Miss Mcleod, 13<sup>th</sup> September 2019, the arrears were £4500, representing 10 months' rent.

Mr Cameron produced an up to date rent statement. The current arrears are £5850, representing 13 months' rent.

Mr Cameron submitted that the arrears had not been due to any delay in the payment of a relevant benefit.

## **Findings In Fact**

1. The parties entered in to a Tenancy Agreement for lease of the property;
2. The monthly rent was £450;
3. At the date of service of the AT6 on Joe Scott, 21<sup>st</sup> August 2019, the arrears were £4050;
4. At the date of service of the AT6 on Margo Mcleod, 13<sup>th</sup> September 2019, the arrears were £4500;
5. At the date of the hearing the arrears were £5850;
6. The arrears had not been accrued due to a delay in the payment of a relevant benefit.

## **Reasons For Decision**

The terms of Ground 8 have been met and it is therefore mandatory to grant the order.

**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.**

A KELLY

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**Legal Member/Chair**

J

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**Date**

6/1/2020