



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/20/1036

Re: Property at 29 Glen Terrace, Deans, EH54 8BU (“the Property”)

Parties:

Mr Craig Daly, 14 Napier Square, Livingston (“the Applicant”)

Ms Ashley Sievwright, 29 Glen Terrace, Deans, EH54 8BU (“the Respondent”)

Tribunal Members:

John McHugh (Legal Member)

Decision

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

Background

The Applicant holds the landlord's interest and the Respondents the tenant's interest in a short assured tenancy in respect of the Property dated 27 September 2012.

The Applicant wishes possession of the Property to be granted in its favour in respect of the Respondents' failure to pay rent.

The Case Management Discussion

A Case Management Discussion ("CMD") took place by conference call on 12 August 2020. The Applicant was present. The Respondent was present and represented by her support worker from West Lothian Council, Sharon McGill.

The Applicant indicated that more than three months' rent remained outstanding. He did not know the exact figure but confirmed that it was higher than the figure at the time of the application.

Ms McGill indicated that there had been a shortfall in housing benefit caused by a change in the Respondent's personal circumstances. That had arisen around three years ago. She had submitted a housing benefit application concerning the shortfall last week. She accepts however that there has been no error or delay in the benefits and does not rely upon that as a basis to resist the current application.

The Applicant confirmed that he wishes to insist upon his application.

Findings in Fact

The Applicant holds the landlord's interest and the Respondent the tenant's interest in a short assured tenancy dated 27 September 2012.

The Tenancy Agreement provides that rent is due at the rate of £500 per month subject to annual review.

The current monthly rent is £550.

At the time of serving notice under section 19 of the 1988 Act on 12 March 2020 the sum of £3498.89 was outstanding.

At the time of raising the Application the sum of £1785.24 was outstanding.

A higher sum is currently outstanding by the Respondent to the Applicant in respect of unpaid rent.

More than three months' rent was outstanding both at the date of service of the notice under section 19 of the 1988 Act and at the date of the CMD. The Tenancy Agreement makes provision for termination for this reason.

Reasons for Decision

More than three months' rent was outstanding both at the date of service of the notice under section 19 of the 1988 Act and at the date of the CMD. The tenancy agreement makes provision for the granting of possession on those grounds.

The Tribunal is unaware of any benefits related reason for delayed payment of the rent. An order for possession requires to be made in terms of section 18(3) of the 1988 Act.

Decision

An order for possession of the Property will be made in favour of the Applicant.

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.

**John McHugh
Legal Member/Chair**

**12 August 2020
Date**