



**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/20/1094

**Re: Property at 17 Smith Street, Dalry, North Ayrshire, KA24 5BZ (“the
Property”)**

Parties:

**Mrs Mandy Blythe, The Haayzie, Blair Road, Kilwinning, KA13 7QH (“the
Applicant”)**

**Mr Mathew Walker, Mrs Megan Walker, 17 Smith Street, Dalry, North Ayrshire,
KA24 5BZ (“the Respondent”)**

Tribunal Members:

John McHugh (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 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 4 April 2017.

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 10
August 2020. The Applicant was represented by Shirley Anne Harper. The

Respondents were neither present nor represented. The Tribunal was satisfied that notification of the hearing had been given to the Respondents. The Respondents have taken no part in any stage of the proceedings.

Findings in Fact

The Applicant holds the landlord's interest and the Respondents the tenant's interest in a short assured tenancy dated 4 April 2017.

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

The obligation to pay rent is joint and several in terms of the Tenancy Agreement.

At the time of serving notice under section 19 of the 1988 Act the sum of £4542.44 was outstanding.

At the time of raising the Application the sum of £5042.44 was outstanding.

The sum of £5042.44 is currently outstanding by the Respondents 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 Tribunals (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

John McHugh, Legal Member/Chair

10 August 2020
Date