



**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/20/0007

**Re: Property at 6F Cruachan Place, Bellfield, Kilmarnock, KA1 3TD (“the
Property”)**

Parties:

Mr Lithgow Wilson, 81 Loreny Drive, Kilmarnock, KA1 4RH (“the Applicant”)

**Mr Gary Lowe, 6F Cruachan Place, Bellfield, Kilmarnock, KA1 3TD (“the
Respondent”)**

Tribunal Members:

John McHugh (Legal Member)

Decision (in absence of the Respondent)

**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 is the landlord and the Respondent is the tenant of the Property in
terms of a short assured tenancy dated 14 July 2017.

The Case Management Discussion

A Case Management Discussion (“CMD”) took place at the North West Kilmarnock
Centre on 27 February 2020.

The Applicant was represented by his solicitor, Jennifer McGovern.

The Respondent was absent.

Findings in Fact

The Applicant is the landlord and the Respondent is the tenant of the Property in terms of a short assured tenancy dated 14 July 2017.

Rent was payable by the Respondent at the rate of £400 per month. Rent arrears up to the date of the application amounted to £3475.

On 2 August 2017 the Applicant served upon the Respondent notice to quit requiring him to remove by 14 September 2019.

Notice under section 19 of the 1988 Act was served upon the Respondent on the same date.

No rent has been paid since June 2019. Rent arrears have increased to £3875.

The Respondent remains in occupation of the Property.

Reasons for Decision

Rent is due and unpaid under the tenancy agreement in the sum of £3875.

Rent in excess of three months was due both at the time of the service of the notice under section 19 of the 1988 Act and at the time of the hearing. No explanation for non-payment has been provided. An order for possession therefore requires to be made in terms of section 18 of the 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

27 February 2020

Date