



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section s.18 of the Housing (Scotland) Act 1988

Chamber Ref: FTS/HPC/EV/18/0573

Re: Property at 1/2 91 Springburn Way, Glasgow, G21 1DL (“the Property”)

Parties:

Mr Anthony Tierney, 10 Killermont Road, Glasgow, G61 2JA (“the Applicant”)

Mrs Jolene Harkins, 1/2 91 Springburn Way, Glasgow, G21 1DL (“the Respondent”)

Tribunal Members:

Nairn Young (Legal Member) and Janine Green (Ordinary 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 granted.

This is an application for an Order for Possession which was received by the Tribunal on 9 March 2018. The application was accompanied by a copy of a tenancy agreement; copy Form AT5; copy Form AT6, copy s.11 Notice, certificate of service of Form AT6 by Sheriff’s Officers dated 13 February 2018; and copy rent account statements.

A hearing was fixed for 10am on 13 June 2018 at the Tribunal Centre in Glasgow. The Applicant attended in person. The commencement of the hearing was delayed by 5 mins, but the Respondent did not attend.

Findings in Fact

The Tribunal finds in fact that:

1. An assured tenancy in terms of the Housing (Scotland) Act 1988 ('the Act') was executed by the Parties in relation to the Property on 26 September 2017.
2. Rent of £395 was due in terms of that agreement on 1 October 2017 and on the first of each subsequent month.
3. On 1 October 2017 the Respondent paid £300. On 1 November 2017 the Respondent also paid £300. There have no payments made by the Respondent since.
4. A Form AT6 in the prescribed form was served by Sheriff's Officers on 13 February 2018. It indicated that the Applicant intended to raise proceedings for recovery of the Property on Grounds 8, 11 & 12 of Schedule 5 of Act.

Reasons for Decision

There being three months rent outstanding at the time of service of the AT6 and at the date of the hearing, Ground 8 of Schedule 5 to the Act is established. There is no evidence that any failure to pay rent is due to a delay or failure in the payment of relevant housing benefit or universal credit. The Tribunal is therefore obliged to grant the order.

For the avoidance of doubt, had Ground 8 not been found to be established, the Tribunal was also satisfied that Grounds 11 and 12 of Schedule 5 to the Act were established and that it would have been reasonable in all the circumstances 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.

N Young

Legal Member/Chair

13 JUNE 2018

Date