



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/23/1953

Re: Property at 6 Dougray Place, Barrhead, G78 2RP (“the Property”)

Parties:

Mr Norman MacDonald T/A Quality Lets Investments, Mr Cameron MacDonald T/A Quality Lets Investments, 20 Woodlands Grove, Kilmarnock, KA3 1TZ (“the Applicants”)

Miss Carly Keaton (also known as Carly Keating), 6 Dougray Place, Barrhead, G78 2RP (“the Respondent”)

Tribunal Members:

Paul Doyle (Legal Member) and Gordon Laurie (Ordinary Member)

Decision in absence of the Respondent

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted an order against the Respondent for possession of the Property under section 18 and ground 8A of Schedule 5 of the Housing (Scotland) Act 1988.

Background

The Applicants sought recovery of possession of the Property in terms of Section section 18 and ground 8A of Schedule 5 of the Housing (Scotland) Act 1988 (“the 1988 Act”). The Applicant had lodged with the Tribunal Form E. The documents produced were a Tenancy Agreement, a Notice to Quit, served on 08 April 2023, Forms AT5 and AT6, together with a notice under s.11 of the Homelessness (Scotland) Act 2003. A copy land certificate was lodged with the Tribunal which showed that the Applicants are the heritable proprietors of the Property.

Case Management Discussion

A case management discussion took place by telephone conference at 10am on 10 January 2024. The Applicants were present (by telephone). The hearing was delayed to allow sufficient time for the Respondent to participate, but there was no appearance by or on behalf of the Respondent.

Findings in Fact

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent entered into a short assured Tenancy Agreement for the Property on 12 July 2013. The Respondent took entry to the property on the same day.
2. The rent in terms of the Tenancy Agreement was £451 per month.
3. The Respondent has allowed rental to fall into arrears since November 2022. Since November 2022 the Respondent has only made one payment of rental (in February 2023). The Applicants have tried to contact the Respondent without success. The Applicants tried to offer an agreed programme of payment, which the Respondent did not adhere to.
4. At the date the application was submitted there were arrears of rent totalling £3,579.97, which is more than 6 months' rent. At today's date there are still arrears of rental totalling £8,189.00.
5. On 08 April 2023 the Applicants served a notice to quit on the Respondent. On 14 June 2023, the Applicants submitted an application to the tribunal.
6. The Applicants seek recovery of possession of the Property in terms ground 8A of Schedule 5 of the Housing (Scotland) Act 1988. The rental was eight months in arrears at the date the application was submitted. Rental is now some 19 months in arrears.
7. The Respondent offers no resistance to this application. The Respondent received notice of this case management discussion by sheriff officer service on 15 November 2023.
8. The Respondent has chosen not to provide details of her circumstances. There is no suggestion that the Respondent is in arrears of rent either wholly or partly as a consequence of a delay or failure in the payment of a relevant benefit. As far as the Applicants are aware, the Respondent is not in receipt of state benefits. They had contacted the Department of Work and Pensions to seek payment of rent direct but had been advised that the Respondent was not in receipt of Universal Credit. It is not argued that it is unreasonable to grant an order for repossession of the Property. The

weight of reliable evidence indicates that it is reasonable to grant an order for repossession of the Property.

Reasons for the Decision

The Tribunal determined to make an Order for possession of the Property in terms of section 18 and ground 8A of Schedule 5 of the Housing (Scotland) Act 1988. The basis for possession set out in the 1988 Act is established. The Respondent offers no defence to the application. Significant rental arrears have accrued, despite the Applicants' efforts to engage with the respondent. For these reasons, the Tribunal determined to grant an Order for possession.

Decision

For the foregoing reasons, the Tribunal determined to make an Order for possession of the Property in terms of section 18 and ground 8A of Schedule 5 of the Housing (Scotland) Act 1988.

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.

P Doyle

Legal Member

Date 10 January 2024