



**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/24/2352

Re: Property at 25 Bore Road, Airdrie, ML6 6HU (“the Property”)

Parties:

Mr Manvir Singh, Mr Roy Cowieson, Milton Lockhart Estate, Rosebank, ML8 5QA; 5 Strathyre Green, Broughty Ferry, Dundee, DD5 3WL (“the Applicant”)

Mr Ian Barton, Ms Eleanor Hunter, 25 Bore Road, Airdrie, ML6 6HU (“the Respondents”)

Tribunal Members:

Nairn Young (Legal Member) and Mary Lyden (Ordinary Member)

Decision in absence of the first-named Respondent

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that

- Background

This is an application for an order for possession of the Property, which is let to the Respondent by the first-named Applicant in terms of an assured tenancy agreement under which he acts as agent for the second-named Applicant. It called for a case management discussion (‘CMD’) at 10am on 4 December 2024, by teleconference. The first-named Applicant called in to the CMD in-person and was represented by Ms Herd of Clarity Simplicity Ltd, solicitors. The second-named Respondent appeared in-person. It had previously been indicated to the Tribunal that the first-named Respondent had gone missing and was thought to be somewhere in England. That notwithstanding, the commencement of the CMD was delayed for 10

minutes to allow for the possibility he may have been trying to join the call, but was experiencing technical difficulties. There remained no contact from him.

- Findings in Fact

The essential facts in this case are not in dispute, as follows:

1. The second-named Applicant let the Property to the Respondents in terms of an assured tenancy, with a date of entry of 17 June 2013.
2. The initial term of the tenancy was one year, continuing thereafter from month to month until terminated by either party on four weeks' notice.
3. The first-named Applicant acts as agent of the second-named Applicant in all matters relating to the tenancy. (Hereafter in this decision, references to 'the Applicant' will be to the first-named Applicant acting in that capacity.)
4. In terms of the tenancy agreement, rent of £750 was due every four weeks.
5. On 17 January 2024, the Applicant served notice to quit on the Respondents by sheriff officers, terminating the contractual tenancy on 17 March 2024.
6. On 24 January, 2 February and 28 June 2024, the Applicant sent emails to the Respondents in accordance with the requirements of the pre-action protocol for rent arrears cases.
7. On 31 May 2024, the Applicant served a notice in form AT6 on the Respondents, again by sheriff officers, indicating an intention to rely grounds 11 and 12 of schedule 5 to the Housing (Scotland) Act 1988 ('the Act') in any proceedings to follow.
8. On 31 May 2024, the Respondents were in arrears of rent of £15,912.50.

9. These proceedings were raised on 4 July 2024, at which time the Respondents were in arrears of rent of £16,850.
10. The first-named Respondent has left the Property.
11. The second-named Respondent is unable to pay the arrears.
12. The second-named Respondent needs to have an order for possession of the Property granted against her before the local authority will provide her with support.
- Reasons for Decision
13. Grounds 11 and 12 are established on the facts and it is reasonable for an order for possession to be granted. The second-named Respondent has effectively been left to address this situation by the first-named Respondent, and she was commendably candid in accepting that she would not be in a position to do so. She accepted at the CMD that it would be to the benefit of all parties of the order to be granted: in her case, so she could access local authority support. The Tribunal agreed.
- Decision

Order for possession granted.

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.

Nairn Young

12th December 2024

Legal Member/Chair

Date