



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 18 (1) of the Housing (Scotland) Act 1988 (the 1988 Act) and Rule 65 of First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 ( the 2017 regulations).**

**Chamber Ref: FTS/HPC/EV/19/0974**

**Re: Property at 48 Knowehead, Kilmarnock, East Ayrshire, KA1 4RT (“the Property”)**

**Parties:**

**Mr Ras Peermamode and Ms Tracy Peermamode, 15 Brookside, Hornchurch, Essex, RM11 2RR (“the Applicants”)**

**Miss Donna May Stewart, 48 Knowehead, Kilmarnock, East Ayrshire, KA1 4RT (“the Respondent”)**

**Tribunal Member:**

**Martin McAllister (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 be made in respect of the Property**

**Background**

- 1. The Applicants applied to the Tribunal for possession of the Property under Section 18(1) of the 1988 Act and in terms of Rule 65 of the 2017 Regulations. The application which was dated 12<sup>th</sup> march 2019 sought possession under Grounds 8, 11 and 12 of Schedule 5 of the 1988 Act,**
- 2. Initial documents lodged with the Tribunal were:**
  - A copy of the lease between the parties in respect of the Property dated 30<sup>th</sup> September 2016.**

## **Findings in Fact**

- (i) The parties entered into a tenancy agreement in respect of the Property on 30<sup>th</sup> September 2019.**
- (ii) The monthly rent due under the tenancy agreement is £475.**
- (iii) At the time of service on the Respondent of a notice under Section 19 of the 1988 Act the Respondent owed £1,675.**
- (iv) As at today's date the amount of rent due by the respondent is £2,525.**
- (v) The Applicants are entitled to have an order granted in their favour for possession of the Property.**

## **Reasons**

**9. I considered the evidence before me. I determined that the documentation which accompanied the application was in appropriate form and was sufficient to support the application. I also accepted the evidence of Ms McKenzie and the terms of the updated rent statement which had been lodged. It was clear to me that the rent arrears as at today's date are £2525, that the monthly rent due is £475, that the amount of rent due at service of the notice under Section 19 of the 1988 Act was £1,650 and that therefore the terms of Ground 8 are engaged : "Both at the date of service of the notice under Section 19 of the Act relating to the proceedings for possession and at the date of the hearing, at least three months rent lawfully due from the tenant is in arrears."**

**10. Ground 8 is a mandatory ground for possession. I also found that Grounds 11 and 12 are met.**

**11. I saw no reason to adjourn consideration of the matter to a Hearing. The respondent was aware of the case management discussion and, if she were unable to attend, she could have arranged for representation.**

## **Decision**

**I determined that**

**An order for possession be made in respect of the Property**

## **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.**

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**18<sup>th</sup> October 2019**

**Martin J. McAllister,  
Legal Member and Chair**