



**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/19/1118

**Re: Property at 12B Manse Grove, Stoneyburn, Bathgate, EH47 8EW (“the
Property”)**

Parties:

**J & B Holdings, 36a Main Street, Stoneyburn, Bathgate, West Lothian, EH47
8AU (“the Applicant”)**

**Ms Claire Bearman, 12B Manse Grove, Stoneyburn, Bathgate, EH47 8EW (“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 the Tenant in terms of a short
assured tenancy of the Property.

The Case Management Discussion

A Case Management Discussion (“CMD”) took place on 11 June 2019 at George
House, Edinburgh. The Applicant was represented by Kirsty Morrison of TC Young,
Solicitors. The Respondent was neither present nor represented.

Miss Morrison advised that further rent arrears had accrued since the making of the Application. The further arrears were the two months' rent due on 1 May and 1 June 2019. Some modest payments have been received from the Respondent to account of rent. The Respondent remains in occupation and the Applicant has had no contact from her.

Findings in Fact

The Applicant is the Landlord and the Respondent the Tenant in terms of an assured tenancy of the Property.

The tenancy agreement was dated 27 June 2008.

The Respondent has been in occupation since 4 July 2008 and remains in occupation of the Property.

Rent is currently payable under the tenancy agreement at the rate of £520 per month.

At the time of bringing the Application (10 April 2019) rent was outstanding in the sum of £4614.80.

The Applicant served Notice to Quit dated 21 August 2018 upon the Respondent on 23 August 2018.

A notice in terms of Section 19 of the Housing (Scotland) Act 1988 Act was served on 29 January 2019.

Since the bringing of the Application, two further months' rent has become due and is unpaid.

The Respondent has made modest payments to account in the same period.

At the date of the CMD, the sum of £5404.80 is outstanding.

At the date of service of the notice under section 19 of the Housing (Scotland) Act 1988 and at the date of the CMD over three months' rent lawfully due is in arrears.

Reasons for Decision

The Tribunal is satisfied that over three months' rent lawfully due was in arrears both at the time of the service of the AT6 and at the date of the CMD. The Tribunal knows of no reason for non-payment such as any benefits related reason.

The Tribunal is accordingly obliged to grant an order of possession in terms of Section 18 of the 1988 Act.

Decision

An order for possession of the Property in favour of the Applicant will be made.

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.

Mr John McHugh

John McHugh, Legal Member/Chair

11 June 2019

Date