



**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 (Act)**

Chamber Ref: FTS/HPC/EV/19/2601

**Re: Property at Upper Loanhead Cottage, Pressmennan, Dunbar, EH42 1TE
("the Property")**

Parties:

**Mr J Kinnaird, Mrs J Kinnaird, Redacre, Pressmennan, Stenton, EH42 1TF ("the
Applicant")**

**Ms Sue Macaulay, Upper Loanhead Cottage, Pressmennan, Dunbar, EH42 1TE
("the Respondent")**

Tribunal Members:

Alan Strain (Legal Member)

Decision (in absence of the Respondent)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the
Tribunal") determined that the order for eviction and recovery of possession
be granted.**

Background

This is an application for eviction and recovery of possession on Ground 8 of
Schedule 5 to the Act.

The Tribunal had regard to the following documents:

1. Application dated 19 August 2019;
2. Minute of Lease dated 17 May 2017;
3. Notice to Quit dated 29 July 2019;
4. AT6 dated 29 July 2019;
5. Sheriff Officer Certificate of Service of AT6 and Notice to Quit dated 31 July
2019;
6. Section 11 Notice;

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7. Rent Statement as at 18 July 2019;
8. Sheriff Officer Certificate of Service of Notification dated 16 September 2019.

Case Management Discussion (CMD)

The case called for a CMD on 22 October 2019. The Applicant was present and represented. The Respondent did not appear and was not represented.

The Tribunal was satisfied that the Respondent had received notification of the CMD from Sheriff Officers on 16 September 2019. The Respondent knew that the Tribunal could proceed in her absence and make a decision if it was satisfied that it had sufficient information to do so and the procedure had been fair.

The Tribunal considered the documentary evidence and made the following findings in fact:

1. The Parties entered in to a tenancy commencing 17 May 2017;
2. The monthly rent was £950;
3. As at the date of service of the Notice to Quit and AT6 the Respondent was in arrears in the sum of £4,450.00 (over 4 Months' arrears);
4. As at the date of the CMD the Respondent was £6,450.00 in arrears (in excess of 5 month's arrears);
5. The arrears were not due in whole or in part to any delay or failure to make a payment of a relevant benefit;
6. Valid Notice to Quit and AT6 had been served on the Respondent by Sheriff Officers on 19 July 2019;
7. The tenancy had terminated on 16 August 2019;
8. The Respondent remained in occupation of the Property.

The Tribunal considered the terms of Ground 8. The Tribunal was satisfied that the Respondent was in excess of 3 months in arrears at the date of service of the Notice and at the date of the CMD. The arrears were not due in whole or in part to any delay or failure to make payment of a relevant benefit.

The Tribunal was satisfied that it had sufficient information to make a decision and the procedure had been fair.

The Tribunal granted the order for eviction and recovery of possession.

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.

A. Strain

22 October 2009

Legal Member/Chair

Date