



**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/18/2777

**Re: Property at Flat 1/3, 14 Strachur Crescent, Lambhill, Glasgow, G22 6RB
("the Property")**

Parties:

**Lowther Homes Limited, 25 Cochrane Street, Glasgow, G1 1HL ("the
Applicant") represented by Mr David Adams, Solicitor**

**Ms Catherine Slimani, Flat 1/3, 14 Strachur Crescent, Lambhill, Glasgow, G22
6RB ("the Respondent")**

Tribunal Members:

Patricia Pryce (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 should be granted.**

- **Background**

The Applicant submitted an Application to the First-tier Tribunal which consisted of documents received on 18 October 2018, seeking an order for possession in terms of Rule 65 and founded on Section 18 of the Housing (Scotland) Act 1988 ("the 1988 Act"). This was referred to the Tribunal on 5 November 2018.

- **The Case Management Discussion (CMD)**

The Applicant was represented as above. The Respondent did not attend the CMD. The Respondent had been served with a copy of the Application by way of Sheriff Officers on 21 November 2018. The Respondent did not submit any written representations. She was not represented at the CMD. The Tribunal proceeded to consider the Application on the basis of all of the documentation which had been

lodged by the Applicant. The Tribunal continued in terms of Rule 29 of the Rules. The Tribunal considered the Application.

- **Findings in Fact**

1. The parties entered into a tenancy agreement in respect of the property at Flat 1/3, 14 Strachur Crescent, Lambhill, Glasgow, G22 6RB, which agreement commenced on 30 March 2012.
2. In terms of the agreement, the Respondent agreed to pay monthly rent for the property in the sum of £510 per calendar month.
3. The Respondent started to default on payment of the rent around 5 years prior to the Application.
4. The Respondent has made no payment of rent since 24 August 2018.
5. The Respondent was not currently in receipt of housing benefit or universal credit.
6. The Respondent has made no contact with the Applicant since the Application was lodged, other than to email to advise that she intended to leave the property on or about 30 November 2018.
7. The Applicant did not know if the Respondent remains in occupation at the property.
8. The Applicant served on the Respondent a Notice to Quit, an AT6 which contained various grounds of possession under the 1988 Act and a notice under Section 33 of the 1988 Act.
9. Sheriff Officers effected service of the Application on the Respondent at the property on 21 November 2018.
10. As at 12 December 2018, the arrears of rent amounted to £5,000.12.

- **Reasons for Decision**

The Applicant sought an order for possession on various grounds mentioned within the Application. However, at the CMD, the Applicant's solicitor submitted that the Applicant wished to insist on Ground 8 as outlined in the Application. The Tribunal was satisfied that more than three months' arrears of rent were due at both the date of the service of the Notice and at the date of the CMD. The Tribunal had no discretion, therefore, to refuse the order in all the circumstances before it.

- **Decision**

The Tribunal determined to grant an order for 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.

Ms Patricia Pryce

Patricia Pryce

12 December 2018

Legal Member/Chair

Date