



**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/18/3437

**Re: Property at 21 Monkland Road, Bathgate, West Lothian, EH48 2BG (“the
Property”)**

Parties:

**Mr Matthew Paul Boyle, Mrs Caroline Ross Boyle, 31 Chapman's Brae,
Bathgate, West Lothian, EH48 4LH (“the Applicants”)**

**Ms Katie Cox, 21 Monkland Road, Bathgate, West Lothian, EH48 2BG (“the
Respondent”)**

Tribunal Members:

Nairn Young (Legal Member)

Decision (in absence of the 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 by the Applicants to the Respondent in terms of an assured tenancy. It called for a case management discussion at 10am on 28 March 2019. The second named Applicant was present in person. The Respondent was not present or represented.

- Findings in Fact

The following facts were not disputed by the Respondent:

1. The Property is let to the Respondent by the Applicants in terms of a short assured tenancy dated 1 August 2017. In terms of that tenancy agreement, rent of £595 is due on the first day of each month. The agreement also

provides for termination of the tenancy on, among others, Ground 8 of Schedule 5 to the Housing (Scotland) Act 1988 ('Ground 8 of the Act').

2. As of 1 October 2018, arrears of rent of £1,820 had accrued. The Applicants served a form AT6 on the Respondent on 27 October 2018, referring to arrears of that amount. It indicated that proceedings for recovery of possession would be raised no earlier than 14 November 2018 on, among others, Ground 8 of the Act. This application was raised on 17 December 2018.
 3. As at the date of the case management discussion, no further payment towards the arrears of rent had been received from the Respondent.
- Reasons for Decision
4. At least three months rent lawfully due from the Respondent was in arrears at both the date of service of the form AT6 and at the date of the case management discussion. Ground 8 of the Act is therefore established and order for possession should be granted.
- Decision

Order for possession of the Property 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.

N Young

Legal Member/Chair

28 MARCH 2019

Date