

Housing and Property Chamber
First-tier Tribunal for Scotland



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/18/0159

Re: Property at Flat 5, Kinpurnie View Apartments, Newtyle, Blairgowrie, PH12 8UQ (“the Property”)

Parties:

Firm of Elmbank Holdings, Firm of Elmbank Holdings, 26 Baldovan Road, Dundee (“the Applicant”)

Mr David Bell, Flat 5, Kinpurnie View Apartments, Newtyle, Blairgowrie, PH12 8UQ (“the Respondent”)

Tribunal Members:

Andrew McLaughlin (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that

- This is an application made by the Firm of Elmbank Holdings for an order for possession of the property let to the Respondent at Flat 5, Kinpurnie View Apartments, Newtyle, Blairgowrie.
- A Case Management Discussion was convened at Inveralmond Business Centre, Perth at 10am on 15 March 2018. The Applicant was represented by Mr Steven Lamont, solicitor and the Respondent was personally present. All parties understood the nature of the hearing and had received all the relevant Tribunal paperwork.
- The Applicant invited the Tribunal to make an order on the basis that Grounds 8 of Schedule 5 of the Housing (Scotland) Act 1988 applied; namely that three months rent lawfully due by the Respondent was in arrears both at the date of service of the notice of proceedings and at today’s hearing. The Respondent accepted that three months rent was lawfully due both at the

date of service of the notice of proceedings and at today's date. The Respondent invited the Tribunal to exercise discretion not to make an order and to allow further time for the arrears to be cleared.

- After carefully considering the documentation and the representations made at the hearing, the Tribunal considers that it has no discretion to refuse the order sought by the Applicant in respect of Grounds 8 of Schedule 5 of the Housing Act (Scotland) 1988 and so granted the order as sought.

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.

Andrew McLaughlin

Legal Member/Chair

Date

15/3/18