

**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/18/0226**

**Re: Property at 2 Middleton Farm, Steadings, Dundee, DD4 0PQ ("the  
Property")**

**Parties:**

**Mr Colin McGoldrick, Mrs Paula Jacqueline McGoldrick, 2 Elmwood Drive,  
Dundee, DD2 2DT ("the Applicant")**

**Miss Sadia Safdar, 2 Middleton Farm, Steadings, Dundee, DD4 0PQ ("the  
Respondent")**

**Tribunal Members:**

**Nicola Irvine (Legal Member)**

**Decision (in absence of the Respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the  
Tribunal") determined that the Applicants are entitled to the order for recovery  
of possession.**

**<INSERT DETAILS>**

- **Background**  
Mr & Mrs McGoldrick submitted an application seeking an order to evict the Respondent from the property at 2 Middleton Farm, Steadings, Dundee DD4 0PQ. The Tribunal intimated the application to the Respondent on 10<sup>th</sup> February 2018 and advised her of the date, time and place of today's hearing. In that letter, the Respondent was advised that any written representations she wished to make should be sent to the Tribunal by 28<sup>th</sup> February 2018. No written representations were received by the Tribunal. The Respondent was also told that she required to attend the hearing and was informed that the Tribunal could make a decision today on the application if the Tribunal has sufficient information and considers the procedure to have been fair.

- **The Hearing/Case Management Discussion**  
The hearing took place in the absence of the Respondent. Mr McGoldrick attended the hearing along with Steven Donald, Property Manager. The applicants were represented by Mr J. Myles, Solicitor. Mr. Myles explained that efforts had been made by his firm and the Applicants' previous agents to obtain a copy of the tenancy agreement but those efforts proved to be unsuccessful. Mr McGoldrick advised that the tenancy commenced in or around May 2014 and that his sister, Angela McGoldrick managed the tenancy until last year. The monthly rent payable was £880. Angela McGoldrick collected the rent from the Respondent and after deduction of a management fee, she passed the sums to the Applicants. Angela McGoldrick stopped accounting to the Applicants after July 2017. The Applicants were unable to produce a rent statement; however, the information provided by Mr McGoldrick was that the tenant has failed to pay rent for 8 months. The current level of rent arrears is £7,040. The Applicants sought an order for recovery of possession on grounds 8 and 12 to schedule 5 of the Housing (Scotland) Act 1988.
- **Findings in Fact**
  1. The Respondent entered into a tenancy agreement in or around May 2014. The tenancy is an assured tenancy. The rent payable was £880 per calendar month.
  2. The Applicants served notice on the Respondent on 11<sup>th</sup> November 2017 of their intention to raise proceedings to recover possession of the property in terms of Grounds 8 and 12 to schedule 5 of the Housing (Scotland) Act 1988, indicating that proceedings would not be raised before 27<sup>th</sup> November 2017.
  3. The rent arrears due as at the date of service of the AT6 amounted to £3,520.00 and as at today's date amounted to £7,040.00.
- **Reasons for Decision**  
One of the grounds relied upon by the Applicants is ground 8, which is mandatory. The tribunal was satisfied that the test for ground 8 was met in respect that there were more than 3 months' rent arrears due as at the date of service of the AT6 and the date of the hearing.
- **Decision**  
The order for recovery of possession was 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.**

Nicola Irvine

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**Legal Member/Chair**

19.3.18

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**Date**