



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland  
(Housing and Property Chamber) under Section 19 of the Housing (Scotland)  
Act 1988**

**Chamber Ref: FTS/HPC/EV/19/0682**

**Re: Property at 5 Strandhead, Stewarton, Ayrshire, KA3 3DD (“the Property”)**

**Parties:**

**Mr Alan Stephens, 18 Bryce Road, Currie, EH14 5LW (“the Applicant”)**

**Mr Ian Stephens, 5 Strandhead, Stewarton, Ayrshire, KA3 3DD (“the  
Respondent”)**

**Tribunal Members:**

**Alison Kelly (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 should be granted.**

**Background**

On 4<sup>th</sup> March 2019 the Applicant’s solicitor lodged an application under Rule 65 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the Rules”) seeking eviction of the Respondent from the Property.

Lodged with the Application were:

1. Tenancy Agreement dated 1/7/14
2. Notice To quit dated 28/11/18 bringing the tenancy to an end at 30/1/19
3. AT6 dated 28/11/18 and giving notice for 30/1/19
4. Sheriff officer’s Execution of Service dated 29/11/18
5. Rent Statement
6. Section 11 Notice
7. Email sending section 11 Notice

## Case Management Discussion ("CMD")

The Applicant was represented by Kirsty Morrison of TC Young, Solicitors. The Respondent did not appear and was not represented.

Miss Morrison was asked to present the case. She said that she sought eviction under section 19 of the Housing (Scotland) Act 1988, on Grounds 8, 11 and 12 of Schedule 5 to that Act. The Tenancy Agreement showed that the rental payment was £450 per calendar month. At the time the AT6 was served the arrears stood at £23850. At the time the application was lodged the arrears were £25650. At today's date the arrears were £26500. She submitted that the tests in Ground 8 had been satisfied and that granting of the order was mandatory. There did not appear to have been any application for Housing Benefit and the rent had not been paid since the commencement of the tenancy.

## Findings In Fact

1. The parties entered in to a tenancy Agreement for the property on 1/7/14.
2. The rent was £450 per calendar month.
3. At the date the AT6 was served, 29/11/18, the arrears stood at £23850.
4. At the time the application, 4/3/19, the arrears were £25650.
5. At today's date the arrears were £26500.
6. No rent had been paid since the commencement of the tenancy in 2014, and this could not be as a result in the delay of the payment of Housing Benefit.

## Reasons For decision

The findings in fact establish that Ground 8 has been met, and therefore the granting of the order is mandatory.

## 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.

Alison Kelly

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Legal Member/Chair

J

\_\_\_\_\_  
Date

1/5/19<sup>AK</sup>