

**Housing and Property Chamber**  
First-tier Tribunal for Scotland

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**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 27 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017**

**Chamber Ref: FTS/HPC/EV/19/0760**

**Re: Property at 2/1, 142 Keppochhill Road, Springburn, Glasgow, G21 1HE ("the Property")**

**Parties:**

**Mr Kieran McEachern, 14 Broom Hill, Bowmore, Isle of Islay, PA43 7HX ("the Applicant")**

**Mr Michael Bell, 2/1, 142 Keppochhill Road, Springburn, Glasgow, G21 1HE ("the Respondent")**

**Tribunal Members:**

**Fiona Watson (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that the application is dismissed.**

An application was submitted to the Tribunal under Rule 65 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 ("the Rules"). Said application sought an order for possession in relation to an assured tenancy.

A Case Management Discussion ("CMD") was held on 14 May 2019. There was no appearance by or on behalf of either of the parties.

The Tribunal dismissed the application on the following grounds:

1. The Applicant was not present (nor represented) to move the application and seek the order. The Tribunal was not satisfied the order was either still sought or necessary.
2. The application stated that the Order for Possession was being sought in terms of section 18 of the Housing (Scotland) Act 1988 ("the 1988 Act"). The

grounds relied upon by the Applicant in the application were grounds 8, 11 and 12 of Schedule 5 to the 1988 Act. Said grounds are based on rent arrears having accrued by the Respondent. With reference to grounds 8 and 12, the Tribunal must be satisfied of the up to date position in relation to the level of rent arrears, and in particular that there were still arrears due at the date of the CMD. The Tribunal had no information before it in relation to the balance of the rent arrears as at the date of the CMD, to be able to reach a decision on that basis. Further, with reference to grounds 11 and 12, the Tribunal must be satisfied that it would be reasonable to grant the order. The Tribunal could not reach a decision on the issue of reasonableness without any confirmation of the level of arrears due at the date of the CMD.

Accordingly, the Tribunal dismissed the application.

### **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.**

Fiona Watson

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Legal Member/Chair

14/5/19.  
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Date