



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 18(1) of the Housing
(Scotland) Act 1988 (Act)**

Chamber Ref: FTS/HPC/EV/19/0809

Re: Property at 17 Croall Place, Kelty, KY4 0DZ (“the Property”)

Parties:

**Ms Eleanor Walls, c/o Holburn Property Management, Geddes House, Kirkton
North, Livingston, EH54 6GU (“the Applicant”)**

Ms Ashley Elder, 17 Croall Place, Kelty, KY4 0DZ (“the Respondent”)

Tribunal Members:

Alan Strain (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/recovery of possession be
granted.**

Background

This is an application for eviction/recovery of possession under Rule 65 of the
Tribunal Procedure Rules and section 18(1) of the Act. The Ground relied upon was
Ground 8 of Schedule 5 to the Act.

The Tribunal had regard to the following papers:

1. Application received 12 March 2019;
2. Short Assured Tenancy (SAT) dated 21 April 2014;
3. Notice to Quit and AT6 both dated 18 January 2019;
4. Sheriff Officers Certificate of Service of Notice to Quit and AT6 dated 18
January 2019;
5. AT5;
6. Statement of Rent Arrears as at 1 March 2019;
7. Section 11 Notice.

Case Management Discussion (CMD)

The case called for a CMD on 7 June 2019. The Applicant was not present but was represented. The Respondent was not present or represented. The Respondent had contacted the Tribunal administration on the morning of the CMD to advise that she would not be attending due to an issue with babysitting and that she had forgotten about the CMD in any event. The Respondent had been advised that the CMD would proceed in her absence and she had been advised that the Tribunal could grant an order in her absence if satisfied that it had sufficient information and it was fair to do so..

The Tribunal considered the paperwork and confirmed with the Applicant's representative that the current arrears were £1,580. The monthly rent was £395 so the amounts of arrears were in excess of 3 months.

The Applicant's Representative was unable to confirm whether or not the arrears were in any part due to a delay or failure to pay a relevant benefit.

Having considered all of the evidence the Tribunal made the following findings in fact:

1. The Parties entered in to a SAT dated 21 April 2014;
2. The monthly rent was £395;
3. As at the date of service of the AT6 the amount of arrears was £1,975 which was in excess of 3 months' rent;
4. As at the date of the CMD the amount of arrears was £1.580 which was in excess of 3 months' rent;
5. The arrears were not due to any delay or failure to pay a relevant benefit.

Having made these findings the Tribunal considered that the statutory requirements of Ground 8 to Schedule 5 of the Act were met. The Tribunal accordingly granted the order for recovery of possession/eviction 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.

Alan Strain

Legal Member/Chair

7 June 2019

Date