



**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**

Chamber Ref: FTS/HPC/EV/19/1408

**Re: Property at Flat 3/1, 1010 Maryhill Road, Glasgow, G20 9TG (“the
Property”)**

Parties:

Mrs Moyra Statham, 27 Park Avenue, Edinburgh, EH15 1JS (“the Applicant”)

**Mr Gerald Thom, Flat 3/1, 1010 Maryhill Road, Glasgow, G20 9TG (“the
Respondent”)**

Tribunal Members:

Graham Harding (Legal Member)

Decision (in absence of the Respondent)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that the Applicant was entitled to an order for
possession of the property and the eviction of the Respondent from the
property.**

Background

1. By application dated 9 May 2019 the Applicant applied to the Tribunal for an order for possession of the property and the eviction of the Respondent under Grounds 8, 11 and 12 of Schedule 5 of the Housing (Scotland) Act 1988. The Applicant provided the Tribunal with copies of the Short Assured Tenancy agreement, Form AT5, Form AT6, Sheriff Officers Execution of Service, Section 11 Notice to Glasgow City Council and a rental statement showing alleged rent arrears together with ancillary documents.
2. By Notice of Acceptance dated 10 May 2019 a legal member of the Tribunal with delegated powers accepted the application and a Case Management Discussion was assigned.

3. Intimation of the Case Management Discussion was given to the Applicant's representatives by post on 23 May 2019 and to the Respondent by recorded delivery post on the same date.
4. By email dated 7 June 2019 the Applicant's representatives advised the Tribunal that the Respondent's rent arrears had increased to £3150.00 and provided the Tribunal with an updated schedule.

The Case Management Discussion

5. The Case management Discussion was held at Glasgow Tribunals Centre 20 York Street Glasgow on 27 June 2019. It was attended by Ms Wendy Gallagher and Mr Stuart Jameson of One Stop Properties, Glasgow, The applicant's representatives. The Respondent did not attend nor was he represented. After making enquiries the Tribunal was satisfied that the Recorded Delivery letter intimating the Case Management Discussion had been delivered and signed for the Tribunal determined to proceed in the absence of the Respondent in accordance with Rule 29 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 ("the 2017 Regulations").
6. For the Applicant Ms Gallagher explained that there had been a previous application made to the Tribunal for possession of the property based on discretionary grounds as at that time the Respondent had been less than three months in arrears of rent. The Respondent had offered to make payments towards the arrears and the application had been refused at that time. Since then Ms Gallagher explained the Respondent had fallen further into arrears. And the Applicant decided to raise these proceedings.
7. Ms Gallagher confirmed that the parties had entered into a Short Assured Tenancy that commenced on 4 April 2017 and endured for six months and thereafter continued for further six month periods by tacit relocation. She confirmed that throughout the tenancy the monthly rent remained at £575.00.
8. Ms Gallagher confirmed that Sheriff Officers served a Form AT6 and Notice to Quit on the Respondent on 17 April 2019 advising that proceedings would not commence before the Tribunal before 6 May 2019. At that time the grounds for possession under Schedule 5 of the Housing (Scotland) Act 1988 were Grounds 8, 11 and 12 as the rent due was £2200.00.
9. Ms Gallagher confirmed the AT6 and Notice to Quit had been served on the Respondent by Sheriff Officers. She also confirmed that at the commencement of these proceedings a Section 11 Notice had been sent to Glasgow City council on 9 May 2019.
10. Ms Gallagher referred the Tribunal to the updated rent statement which showed the rent due as at 4 June 2019 as being £3150.00. She said that as far as she was aware the Respondent remained in the property and had not responded to recent emails and the last payment of any rent had been

£200.00 on 7 May 2019. In the circumstances she asked the Tribunal to grant the order sought on the grounds that all three of the grounds in Schedule 5 of the 1988 Act as stated on the form AT6 had been satisfied and Ground 8 was a mandatory ground as more than three months' rent was outstanding both at the time the AT6 was served and at the date of the Case Management Discussion.

Findings in Fact

11. The parties entered into a Short Assured Tenancy Agreement that commenced on 4 April 2017 for a period of six months and continued thereafter by tacit relocation at a monthly rent of £575.00.
12. The Respondent was properly served with a Form AT6 and Notice to Quit by Sheriff Officers on 17 April 2019.
13. Intimation of these proceedings was given to Glasgow City Council on 9 May 2019.
14. Both at the date of service of Form AT6 and at the date of the Case management discussion the Respondent had accrued rent arrears in excess of three months' rent. The Respondent owed rent of £2200.00 as at 4 April 2019 and £3150.00 as at 4 June 2019.

Reasons for Decision

15. The Tribunal was satisfied that the Respondent had been given notice of the application and the Case Management discussion. The Respondent had not submitted any written representations or attended the Case Management discussion.
16. The Tribunal was satisfied from the documentation provided and the information given by the Applicant's representatives at the Case Management discussion that there was a short assured tenancy agreement in place and that the Respondent was in arrears of rent amounting to £2200.00 at 4 April 2019 and £3150.00 at 4 June 2019. Form AT6 had properly been served on the Respondent and the Tribunal was satisfied that the grounds for possession of the property under grounds 8, 11, and 12 of Schedule 5 of the Housing (Scotland) Act 1988 had been met and that Ground 8 was a mandatory ground.

Decision

- 17 The Tribunal finds the Applicant entitled to an order for possession of the property and the ejection of the Respondent from the property.

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.

G Harding

Legal Member/Chair

Date

27 June 2019