

Housing and Property Chamber
First-tier Tribunal for Scotland



Decision 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/18/2412

Re: Property at Flat 1/2, 124 Denmilne Street, Glasgow, G34 0AG (“the Property”)

Parties:

Mr Douglas Hamilton, 22 Rockbank Crescent, Glenboig, Coatbridge, ML5 2TA (“the Applicant”)

Miss Danielle Caven, Flat 1/2, 124 Denmilne Street, Glasgow, G34 0AG (“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

The Applicant made an application dated 6th September 2018 for eviction of the Respondent from the property.

Along with the Application the Applicant lodged:

1. Copy Tenancy Agreement
2. Copy AT6
3. Copy Sheriff Officer’s Execution of Service
4. Copy Rent Statement
5. Copy section 11 form
6. Copy email sending section 11 form to the local authority

Case Management Discussion

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

Miss Caldwell submitted that the Applicant was seeking eviction of the Respondent. The parties had entered in to the Tenancy Agreement, which she submitted was an assured tenancy, and the Respondent's obligation was to pay rent at the amount of £400 per month, later rising to £415 per month. The rent fell in to arrears. At the date the AT6 was served the arrears were £1545. At the date the Application was lodged the arrears were £2375 and as at today's date the arrears were £3620. Miss Caldwell submitted that the conditions for Grounds 8, 11 and 12 were satisfied. She had no information about whether the Respondent was entitled to, or had made an application for, benefits.

Findings In Fact

1. The parties entered in to a tenancy agreement for the property.
2. The rent to be paid by the Respondent was initially £400 per month, rising to £415 per month;
3. An AT6 in correct form, and with correct notice, correctly served on the Respondent;
4. The Respondent was in arrears of in the amount of £2375 as at 6th September 2018, the date on which the Application was made.
5. At the date the AT6 was served the arrears were £1545;
6. At the date the Application was lodged the arrears were £2375;
7. As at today's date the arrears were £3620.

Reasons For Decision

Grounds 8, 11 and 12 of Part 1 of Schedule 5 of the Housing (Scotland) Act 1988 were met.

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.

Since an appeal is only able to be made on a point of law, a party who intends to appeal the tribunal's decision may wish to request a Statement of Reasons for the decision to enable them to identify the point of law on which they wish to appeal. A party may make a request of the First-tier Tribunal for Scotland (Housing and Property Chamber) to provide written reasons for their decision within 14 days of the date of issue of this decision.

Where a Statement of Reasons is provided by the tribunal after such a request, the 30 day period for receipt of an application for permission to appeal begins on the date the Statement of Reasons is sent to them.

Alison J Kelly

Legal Member/Chair

J

Date

14/12/18