

Housing and Property Chamber
First-tier Tribunal for Scotland



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

Chamber Ref: FTS/HPC/EV/18/2417

Re: Property at 1D Arranview Court, Ayr, KA8 9BB (“the Property”)

Parties:

Kyle Estates, C/O 46 Dalblair Road, Ayr, KA7 1UQ (“the Applicant”)

Mr Aivers Sembins, 1D Arranview Court, Ayr, KA8 9BB (“the Respondent”)

Tribunal Members:

David Preston (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that

<INSERT DETAILS>

- Background
1. By application dated 17 September 2018 the Applicant applied to the First-tier Tribunal under Rule 65 of the First-tier for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”). The application was accompanied by:
 - Copy Tenancy Agreement dated 19 January 2015;
 - Copy Notice to Quit dated 13 August 2018;
 - Notice under section 33 of the Act dated 13 August 2018;
 - Form AT6 Notice dated 13 August 2018;
 - Sheriff Officers Certificate of Execution of Service dated 13 August 2018 and;
 - Notice to Local Authority under section 11 of the Homeless etc (Scotland) Act 2004.
 2. By Decision dated 3 October 2018 a Convener of HPC having delegated power for the purpose, referred the application under rule 9 of the Rules to the tribunal. A letter of Intimation with Notice of the Case Management Discussion to be held on 27 November 2018 at 14:00 in Glasgow Tribunals Centre, Room 110, 20 York Street, Glasgow G2 8GT was served on the tenant by Sheriff Officers on 7 November 2018.

The tribunal was provided with a copy of the Sheriff Officer's Certificate of Intimation thereof.

3. The tribunal was satisfied that all relevant documents and intimation of today's hearing had been duly served on the respondent and that the requirements of Rule 24 had been complied with.
- The Case Management Discussion
4. Ms Lauren Fowler, Solicitor, Frazer Coogans, Solicitors, Dalblair House, 46, Dalblair Road, Ayr KA7 1UQ appeared on behalf of the applicant. There was no appearance by or on behalf of the respondent. The tribunal determined that the respondent had voluntarily waived his right to be present at the hearing or be represented and was accordingly content to proceed in his absence.
 5. The tribunal was advised that an Order for Payment of Arrears of Rent had been made by the Tribunal on 8 August 2018 in the sum of £4000 in respect of which no payments had been made by the respondent. As at the date of the Notice to Quit further arrears of rent had accrued to the total amount of arrears of £5850.
- Findings in Fact
6. The tenancy between the parties was constituted by Tenancy Agreement dated 19 January 2015.
 7. As at the date of the application and as at the date of the hearing, an amount of rent arrears in excess of three months had accrued and were outstanding.
 8. The respondent had received all relevant paperwork which was in order.
- Reasons for Decision
9. On the basis that no rent had been paid since 26 July 2017 the tribunal was satisfied that the landlord was entitled to an order for recovery of possession.

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.

D Preston

... Chairman

27 November 2018