

**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 (1) of the Housing (Scotland) Act 1988**

**Chamber Ref: FTS/HPC/EV/18/2540**

**Re: Property at 33/4 Christian Crescent, Edinburgh, EH15 3AB (“the Property”)**

**Parties:**

**Mrs Jenifer Neilson, 49 Promenade, Portobello, Edinburgh, EH15 2BH (“the Applicant”)**

**Miss Nicolle McMahon, 33/4 Christian Crescent, Edinburgh, EH15 3AB (“the Respondent”)**

**Tribunal Members:**

**Mark Thorley (Legal Member) and James Battye (Ordinary Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for possession of the property be granted.**

**Background**

By application dated 24 September 2018 the applicant applied to the First-tier Tribunal under Rule 65. The application was accompanied by a copy of a document titled Short Assured Tenancy Agreement dated 1 December 2014, a copy of the Section 11 Notice by Landlord of Proceedings for Possession, copy AT6, Certificate of Execution of Service of the AT6 upon the respondent dated 7 September 2018 and copy Rent Statement. In addition a copy of the title sheet for the property was made available.

**The Hearing**

The applicant appeared herself. There was no appearance by or on behalf of the respondent. Papers have been served on the respondent by Sheriff Officers on 27 November 2018. No written representations were made by the respondent. The

applicant advised that no further rent had been received by the applicant and the rent arrears were now £2750.00

### **Findings in Fact**

1. The tenancy between the parties was constituted by Tenancy Agreement dated 1 December 2014. Rent arrears amounting to £1650.00 had accrued by the date of the Notice. Nothing further had been paid by the date of tribunal hearing and arrears were now £2750.00

2. Rent arrears amounting to more than three months' rent had been established.

3. The respondent had received all relevant paperwork which is in order.

### **Reasons for Decision.**

**The Respondent did not attend the hearing. The hearing accepted that the Respondent was in arrears of rent to the extent of 5 months' rent.**

### **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.**

Mark Thorley

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Legal Member/Chair

17 December 2018.  
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Date