

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 11 (1) of The Rent (Scotland) Act 1984.

Chamber Ref: FTS/HPC/EV/18/2608

Re: Property at 46 Main Street, Kirkoswald, Maybole, KA19 8HY ("the Property")

Parties:

The most Honourable Lord David Thomas Kennedy, Ninth Marquis of Ailsa, Lady Elizabeth Drummond and Reverend Norman Drummond, Trustees of the Ailsa 1983 Trust, Estate Office, Jamestown, Maidens, Girvan, KA26 9NF ("the Applicant")

Mr Martin Still, 46 Main Street, Kirkoswald, Maybole, KA19 8HY ("the Respondent")

Tribunal Member:

Martin McAllister (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that the Applicant is entitled to recover possession of the Property and made an order for possession.

Background

This is an application in respect of rent arrears concerning the Property and a lease dated 5th June 1987. The application is dated 2nd October 2018. A case management discussion was fixed for 19th December 2018.

The date was intimated to the Respondent by Sheriff Officers and he was invited to make representations. No representations were made.

Case Management Discussion

The applicant was represented by Mr Stephen Moffat, solicitor. The Respondent was not present.

Notwithstanding the fact that the Respondent was not present, I consider it appropriate and reasonable to make the order sought by the Applicant who I find was aware of the application, not only from the Tribunal but also from the Applicant's agents, and could have made representations or attended.

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.

Martin J McAllister

Martin J. McAllister
Legal Member/Chair

19th December 2018