

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

Chamber Ref: FTS/HPC/EV/18/3245

Re: Property at 785 Mossspark Drive, Glasgow, G52 3AS (“the Property”)

Parties:

Mr Alan Bruce, 144 Eastwoodmains Road, Glasgow, G76 7HF (“the Applicant”)

Miss Stephanie Robertson, Mr Robert Murray, 785 Mossspark Drive, Glasgow, G52 3AS (“the Respondents”)

Tribunal Members:

Nairn Young (Legal Member)

Decision (in absence of the Respondents)

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

- Background

This is an application for recovery of possession of the Property. The case called for a case management discussion at 2pm on 25 January 2019. The Applicant was not present in person, but was represented by Mr Hardie of HAP Lettings. The Respondents were not present or represented.

- Findings in Fact

The following facts were not contested by the Respondents:

1. The Respondents entered into a short assured tenancy agreement with the Applicant in respect of the Property, which commenced on 1 November 2016 (“the tenancy”). The tenancy initially ran to 2 May 2017 and has continued thereafter by tacit relocation.

2. In terms of the tenancy, rent of £495 was to be paid on the first day of each month. No deposit was taken under the tenancy. It is a term of the tenancy that it may be brought to an end on (amongst others) Ground 8 of Schedule 5 to the Housing (Scotland) Act 1988 ('the Act').
3. Against the payment due on 1 March 2018, the Respondents paid only £35 on 6 March 2018. They have made no further payment to the Applicant.
4. The Applicant gave notice to the Respondents of his intention to raise proceedings on Ground 8 of Schedule 5 to the Act, in form AT6. This notice was served by Sheriff's Officers on 12 November 2018 and stated that proceedings would not be commenced until after 27 November 2018. The application was made on 4 December 2018.
5. On 12 November 2018, the Respondents owed the Applicant £4,420 in rent arrears. At the time of the case management discussion, the Respondents owed the Applicant £5,410 in rent arrears.

- Reasons for Decision

6. The Applicant has observed all of the requirements of ss.18 and 19 of the Act prior to making this application. More than three months rent lawfully due from the Respondents was in arrears at both the date of service of the Form AT6 and the date of the case management discussion. Ground 8 of Schedule 5 to the Act is therefore satisfied and order for possession should therefore be granted.

- Decision

Order for possession of the Property granted.

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.

Nairn Young

Legal Member/Chair

25 JANUARY 2019
Date