

**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 (Act)**

**Chamber Ref: FTS/HPC/EV/18/2550**

**Re: Property at 12/1, The Pinnacle, 160 Bothwell Street, Glasgow, G2 7EL (“the Property”)**

**Parties:**

**Mr Alastair Robertson, 8 Strathview Place, Comrie, Perthshire, PH6 2HG (“the Applicant”)**

**Mr James Thomas Duffy, Ms Lauren Docherty, 12/1, The Pinnacle, 160 Bothwell Street, Glasgow, G2 7EL (“the Respondent”)**

**Tribunal Members:**

**Alan Strain (Legal Member)**

**Decision**

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

**Background**

This is an application for recovery of possession/eviction against the Respondents in terms of Grounds, 8, 11 and 12 of the Act (Rule 65 of the Procedure Rules).

The following documents were lodged with the application:

1. Application dated 21 September 2018;
2. Lease dated 1 March 2018;
3. AT6 x 2;
4. Certificates of Execution of Service by Sheriff Officers;
5. Section 11 Notice; and
6. Rent Schedule as at 21 September 2018.

Alan Strain

During the sifting procedure further information was obtained which included a copy of the previous lease dated 1 March 2017.

### **Case Management Discussion (CMD)**

The case called for a CMD on 7 January 2019. The Applicant was present and represented by Ms Donnelly, Solicitor. Mr Duffy was present and unrepresented. Ms Docherty was not present or represented.

The Tribunal had regard to Sherriff Officer's certificate of service on both Respondents of the Notification of the CMD and the fact that the Tribunal could determine the matter if it was satisfied that it was appropriate to do so. Mr Duffy accepted that at the date of service of the Notice of Proceedings and as at today's date there were in excess of 3 months' rent in arrears. He accepted that the rent due as at today's date was £14,500.00.

Mr Duffy accepted that Ground 8 was accordingly made out and that the order for recovery of possession/eviction should be granted.

So far as material the Tribunal made the following findings in fact:

1. The Parties entered into a Short Assured Tenancy on 1 March 2017 which was renewed on 1 March 2018;
2. As at the date of service of the Notice of Proceedings and as at today's date there were in excess of 3 months' rent in arrears;
3. AT6 had been appropriately served on the Respondents;
4. Service of notification of the CMD had been made on both Respondents by Sheriff Officer;
5. Mr Duffy accepted the order should be granted.

### **Reasons**

Mr Duffy accepted the amount of arrears, dates of arrears and that the order should be granted. The Tribunal noted that service of the CMD notification had been made upon both Respondents. Ms Docherty was accordingly aware of the CMD and the fact that the Tribunal could grant the order sought at the CMD.

In light of the established facts, Mr Duffy's acceptance that Ground 8 was made out and that service had been made on Ms Docherty the Tribunal granted the order sought.

In so doing the Tribunal had due regard to the overriding objective and the interests of justice.

### **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.**

Alan Strain

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**Legal Member/Chair**

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**Date**

7 January 2019