

**Housing and Property Chamber**  
First-tier Tribunal for Scotland

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**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/19/0768**

**Re: 120 Willow Drive, Paisley, PA5 0AH ("Property")**

**Parties:**

Paul O'Hagan c/o 63 Causeyside Street, Paisley PA1 1YT ("Applicant")

Michele Paterson, 120 Willow Drive, Paisley, PA5 0AH ("Respondent")

Castle Residential, 63 Causeyside Street, Paisley PA1 1YT ("Applicant's  
Representative")

**Tribunal Members:**

**Joan Devine (Legal 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 should be made in terms of section 18 of the Housing (Scotland) Act 1988.**

**Background**

The Applicant sought recovery of possession of the Property in terms of Section 18 of the Housing (Scotland) Act 1988 ("1988 Act"). The Applicant had lodged with the Tribunal Form E. The documents produced were a Tenancy Agreement dated 20 March 2014; an AT5 dated 20 March 2014 signed by the Applicant and the Respondent; an AT6 dated 17 January 2019; Notice to Quit and Section 33 Notice from the Applicant's Representative to the Respondent dated 17 January 2019; sheriff officers certificate of intimation confirming service of the AT6, Notice to Quit and Section 33 Notice on 18 January 2019; a Notice in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003 and a copy statement of rent arrears. A copy title sheet was lodged with the Tribunal which showed that the Applicant and Genevieve O'Hagan held title to the Property. A copy email from Genevieve

O'Hagan was lodged with the Tribunal in which she stated that she had authorised Paul O'Hagan to deal with proceedings in respect of the Property. A copy email from the Applicant was lodged with the Tribunal in which he stated that he had authorised the Applicant's Representative to deal with proceedings in respect of the Property.

### **Case Management Discussion**

A case management discussion took place before the Tribunal at 10am on 10 June 2019 at the Glasgow Tribunals Centre, 20 York Street, Glasgow G2 8GT. The Applicant was represented by Daryl Harper and Jacqueline McLelland of the Applicant's Representative. There was no appearance on behalf of the Respondent.

### **Findings in Fact**

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent had entered into a Tenancy Agreement for the Property dated 20 March 2014.
2. The period of the Lease was from 20 March 2014 to 21 March 2015 and thereafter on a two monthly basis.
3. The rent in terms of the Tenancy Agreement was £595 per month.
4. The Tenancy Agreement set out the grounds on which the Landlord could seek recovery of possession of the Property in terms of Schedule 5 of the 1988 Act.
5. A Form AT6 dated 17 January 2019 was served to the Respondent on 18 January 2019 by sheriff officer.
6. An Application was made to the Tribunal on 11 March 2019 which was more than 14 days after the date of service of the AT6.
7. The Applicant is authorised to act on behalf of the proprietor of the Property in respect of proceedings relating to the Property.
8. The Applicant sought recovery of possession of the Property on Grounds 8, 11 and 12.
9. The Respondent had failed to make payment of rent due. The total outstanding was £12,330.
10. At the date of service of the AT6 and at the date of making this Application there was at least 3 months' rent lawfully due in arrears. The basis for

possession set out in ground 8 of schedule 5 to the 1988 Act were established.

11. Notice of the date of the hearing had been given to the Respondent by letter dated 7 May 2019 which had been served on the Respondent by sheriff officer on 8 May 201.

### **Reasons for the Decision**

The Tribunal determined to make an Order for possession of the Property in terms of Section 18 of the 1988 Act. The basis for possession set out in grounds 8, 11 and 12 of schedule 5 to the 1988 Act had been established. Ground 8 is a "mandatory" ground. For these reasons, the Tribunal determined to grant an Order for possession. The AT6 had been served on the Respondent and had provided the requisite period of notice. This Application had been made within a period of 6 months after the service of the AT6.

### **Decision**

For the foregoing reasons, the Tribunal determined to make an Order for 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.

Since an appeal is only able to be made on a point of law, a party who intends to appeal the tribunal's decision may wish to request a Statement of Reasons for the decision to enable them to identify the point of law on which they wish to appeal. A party may make a request of the First-tier Tribunal for Scotland (Housing and Property Chamber) to provide written reasons for their decision within 14 days of the date of issue of this decision.

Where a Statement of Reasons is provided by the tribunal after such a request, the 30 day period for receipt of an application for permission to appeal begins on the date the Statement of Reasons is sent to them.

**Ms Joan Devine**

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Joan Devine  
Legal Member/Chair

10 June 2019  
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Date