



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 33 of the Housing (Scotland)
Act 1988 (“the Act”)**

Chamber Ref: FTS/HPC/EV/18/0511

Re: Property at 32 Dumbuie Avenue, Dumbarton, G82 2JQ (“the Property”)

Parties:

Mr Amardeep Hayre, 28 Beechwood Drive, Alexandria, G83 9NP (“the Applicant”) per his agent, Mrs. Sharon Anderson of Caledonia Bureau Dumbarton Limited, 130, High Street, Dumbarton, G82 1PQ (“the Landlord’s Agent”)

Miss Nadine Cameron, 32 Dumbuie Avenue, Dumbarton, G82 2JQ (“the Respondent”)

Tribunal Members:

Karen Moore (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 in terms of Section 33 of the Housing (Scotland) Act 1988 be granted.

Background

1. By application dated 26 February 2018 and comprising copy short assured tenancy agreement between the Applicant and the Respondent dated 21 February 2014, AT5 notice in terms of the Act served by the Applicant on the Respondent on 21 February 2014, AT6 notice in terms of the Act served by the Applicant on the Respondent on 15 November 2017, Notice to Quit served by the Applicant on the Respondent on 15 November 2017 and documentary evidence of rents arrears accrued by the Respondent (“the Application”), the Landlord’s Agent applied to the Tribunal for an order for possession in terms of Section 33 of the Act and that in respect of grounds 8, 11 and 12 of the Act.

2. On 12 March 2018, the Landlord’s Agent lodged proof of service of notice in terms of Section 11 of the Homelessness Etc (Scotland) Act 2003 on West Dunbartonshire Council, being the local authority for the area in which the Property is situated, with the Tribunal.

3. By Notice of Acceptance dated 28 March 2018 made under Rule 9 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017, a legal member of the First-tier Tribunal with delegated powers of the Chamber President accepted the application and a case management discussion was fixed for 6 June 2018 at 10.00 in Glasgow Tribunal Centre, Room 109, 20 York Street, Glasgow G2 8GT.

Case Management Discussion.

4. A case management discussion was held on 6 June 2018 at 10.00 in Glasgow Tribunal Centre, Room 109, 20 York Street, Glasgow G2 8GT. Neither the Applicant nor the Respondent attended. The Applicant was represented by the Landlord's Agent who requested that an order for possession in terms of Section 33 of the Act 1988 be granted.

5. The Landlord's Agent confirmed to the Tribunal that no rent had been paid by the Respondent since the lodging of the Application with the Tribunal and that rent amounting to in excess of £5,000.00 is now due and owing by the Respondent to the Applicant.

Findings in Fact.

6. The Tribunal's findings are based on the Application and the Landlord's Agent confirmation at the case management discussion. The Tribunal found that the statutory process had been followed by the Applicant and that the grounds for granting an order in terms of the Act had been satisfied.

Decision and Reasons for the Decision.

7. The Tribunal, having found that statutory process had been followed by the Applicant and that the grounds for granting an order in terms of Section 33 of the Act 1988 had been satisfied, and, the Respondent having made no appearance and having made no statement or lodged no evidence to dispute the Applicant's position, determined that neither a Hearing nor further procedure is necessary, proceeded to grant the order.

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.

Karen Moore

6 June 2018

Legal Member/Chair

Date