



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 33 of the Housing (Scotland)
Act 1088**

Chamber Ref: FTS/HPC/EV/18/0701

**Re: Property at Flat 2/1, 30 Garry Street, Cathcart, Glasgow, G44 4AX (“the
Property”)**

Parties:

**James Laird (Goldbeaters) Ltd, c/o Buchanan MacLeod, 180 West Regent
Street, Glasgow, G2 4RW (“the Applicant”)**

**Ms Claudine Gauchan, Flat 2/1, 30 Garry Street, Cathcart, Glasgow, G44 4AX
 (“the Respondent”)**

Tribunal Members:

Lesley Dowdalls (Legal Member)

Decision (in absence of the Respondent)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that Ground 8 of Schedule 5 of the Housing (Scotland)
Act 1988 was established, and accordingly grants the application for recovery
of possession.**

**The Respondent did not attend, was not represented and had made no written
representations.**

**The Respondent had provided no reasons for failure to make payment of rent
due and the Applicant had been provided with no reasonable explanation.**

**The Respondent was served notice of today’s hearing by Sheriff Officer on 9th
May 2018.**

**The Applicants were in attendance today, and were represented by their
solicitor, Ms Buchanan**

The Tribunal made the following findings in fact:

- 1. The Respondent entered into a short assured tenancy with the Applicants on 16th September 2013**
- 2. In terms of the lease entered into by the parties rent in the sum of £500 per month was lawfully due**
- 3. The Respondent was served notice to Quit and s19 Notice on 24th November 2017**
- 4. S11 Notice was served on Glasgow City Council by Recorded Delivery on 11th December 2017**
- 5. S33(1)(d) Notice was served by the Applicants on the Respondent by Recorded Delivery on 20th December 2017**
- 6. The Respondent had arrears of rent lawfully due in the sum of £3861.68 as at the date of service of the s19 Notice**
- 7. As at today's hearing a further £1500 rent is due and unpaid, making a total lawful rent due of £5,361.68**
- 8. Both at the date of service of the notice under s19 of the Housing (Scotland) Act 1988 relating to the proceedings for possession, and at the date of the hearing, at least 3 months' rent lawfully due from the tenant is in arrears**

Reasons for Decision

Ground 8 of Schedule 5 of the Housing (Scotland) Act 1988 is established by the facts presented today. No information has been provided by the Respondent which would justify consideration of the terms of s18(3)(A) of said Act.

Accordingly the Tribunal grants the Application.

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.

L Dowlalls

Legal Member/Chair

Date

12th June 2018