



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

Chamber Ref: FTS/HPC/EV/18/1168

Re: Property at 45 Selkirk Avenue, Glasgow, G52 3EL (“the Property”)

Parties:

Mr Nick Suttle, 172 Montague Street, Apt 13A, Brooklyn, New York, United States of America 11201 (“the Applicant”) per his agents Messrs T.C.Young, solicitors, 7, West George Street, Glasgow, G2 1BA (“the Applicant’s Agents)

Miss Jacqueline Innes, 45 Selkirk Avenue, Glasgow, G52 3EL (“the Respondent”)

Tribunal Members:

Karen Moore (Legal Member) and John Blackwood (Ordinary Member)

Decision in absence of the Respondent

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Order for Possession under Section 18(1) of the Housing (Scotland) Act 1988 (“the Act”) be granted.

Background

1. The Applicant’s Agents, on behalf of the Applicant, lodged an application for an order for possession in relation to a short assured tenancy of the Property with the First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Chamber”) which application comprised application form dated 2 May 2018, a copy of the said short assured tenancy, formal notice in terms of Section 19 of the Act relying on Grounds 8, 11 and 12 of Schedule 5 to the Act together with valid execution of service (“the AT6”), a statement of rent due and unpaid and formal notice in terms Section 11 of the Homelessness Etc (Scotland) Act 2003 together with valid execution of service, (“the Application”), all as required by Rule 65 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the Rules”).
2. The Application was considered by a legal member of the Chamber with delegated powers of the President Chamber in terms of Rules 8 and 9 of the

Rules and thereafter referred to a tribunal of the First-tier Tribunal for Scotland (Housing and Property Chamber) ("the tribunal") for a Hearing on 15 August 2018 at 10.00 am at the Glasgow Tribunals Centre, Room 110, 20, York Street, Glasgow, G2 8GT.

The Hearing

3. The Hearing took place at 10.00 am at the Glasgow Tribunals Centre, Room 110, 20, York Street, Glasgow, G2 8GT. Neither the Applicant nor the Respondent were present. The Applicant was represented by Ms Nicola Caldwell of the Applicant's Agents and the Respondent was represented by Ms Laura Brennan of Govan Law Centre, Glasgow.
4. At the Hearing, Ms Brennan on behalf of advised the tribunal that the Respondent accepted that she had no valid defence to the Application in respect of Ground 8 as set out in the AT6 and so she consented to the Order being granted. Ms Brennan on behalf of the Respondent advised the tribunal further that she and the Applicant's Agents had agreed that, if the Order were to be granted, the effective date would be suspended until 26 September 2018. Ms Caldwell agreed the position as stated by Ms Brennan.

Decision and Reasons for the Decision

5. The tribunal had regard to the Application and was satisfied that it met all necessary statutory requirements. The tribunal then had regard to the terms of Section 18(3) of the Act, the effect of which is that, if the tribunal is satisfied that any of the grounds in Part I of Schedule 5 of Act is established, it must make an order. The tribunal found that ground 8 of Part I of Schedule 5 of Act was established and so determined that it must make the order. The tribunal then had regard to the agreement reached by the parties and saw no reason not to comply with that agreement. Accordingly, the tribunal granted the order for possession in terms of Section 18(3) of the Acts and determined that the order should not be executed before 26 September 2018.
6. The decision was unanimous.

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

Legal Member/Chair

15 August 2018

Date