

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 of the Housing (Scotland) Act 1988

Chamber Ref: FTS/HPC/EV/18/1327

Re: Property at 31 Merton Drive, Glasgow, G52 2AT ("the Property")

Parties:

Mr Akhtar Ali, 60 Patrickbank Crescent, Johnstone, PA5 9UQ ("the Applicant")

Miss Lindsay Ann Will, 31 Merton Drive, Glasgow, G52 2AT ("the Respondent")

Tribunal Members:

Jim Bauld (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that the application for the order for possession should be granted

- **Background**

By application dated 6 June 2018, the applicant sought an order under section 18 of the Housing (Scotland) Act 1988 ("the Act") and in terms of rule 65 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017. On 4 July the application was accepted by the tribunal and referred for determination by the tribunal.

A Case Management Discussion was Set to take place on 23 August 2018 and appropriate intimation of that hearing was given to both the landlord and the tenant

- **The Case Management Discussion**

The Case Management Discussion (CMD) took place on 23 August. The applicant attended. The Respondent did not attend

The tribunal explained the purpose of the CMD and the powers available to the tribunal to determine matters

The tribunal asked various questions of the landlord with regard to the application and the extent of the rent arrears owed by the tenant.

The landlord confirmed that he wished the order sought to be granted

- **Findings in Fact**

The Applicant and the respondent as respectively the landlord and the tenant entered into a tenancy of the property on 13 March 2017.

The tenancy was a short assured tenancy in terms of the Act

The tenant was obliged to pay rent of £550 per month. Payments of monthly rent were due on the 13th of each month

The tenant failed to make payment of rent due on 13 March, 13 April and 13 May, all 2018

On 15 May 2018, the landlord served upon the tenant the notice of proceedings for possession required by section 19 of the Act. This notice was the Form AT6 and set out the ground for eviction which the landlord intended to rely upon.

The ground for eviction narrated in the Form AT6 was ground 8 being a ground contained within schedule 5 of the Act

That ground requires there to be three months' rent arrears at the date of the service of the Form AT6 and at the date of the hearing

As at 15 May 2018, the tenant was in arrears of three months' rent, namely the payments due on 13 March, 13 April and 13 May, all 2018. Rent arrears at that date stood at £1,650

As at the date of the hearing, the tenant had also failed to make any payments for rent due on 13 June, 13 July and 13 August, all 2018

At the date of the hearing rent arrears amounted to £3,300 which is in excess of three months' rent arrears.

The ground for eviction was accordingly established

- **Reasons for Decision**

The order for possession was sought by the landlord based on a ground specified in the Act and properly narrated in the notice served upon the tenant. The tribunal was satisfied that the notice had been served in accordance with the terms of the Act and that the landlord was entitled to seek recovery of possession based upon that ground and the relevant terms of the tenancy agreement which had been lodged with the application

The tribunal accepted the evidence of the landlord with regard to the non-payment of rent by the tenant between March 2018 and August 2018. The tribunal accepted that the landlord provided his evidence in a truthful, open and honest manner. The landlord was entirely credible.

The ground relied upon by the landlord is a mandatory ground. In terms of section 18(3) of the Act, where the tribunal is satisfied that the ground is established, the tribunal must grant the order for possession. The tribunal was satisfied that the ground had been established and accordingly granted the order sought

- **Decision**

The order for recovery of possession is granted

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.

Jim, Bauld, Legal Member

Date

23 August 2018