

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/18/2112

Re: Property at 37 Thistle Street, Cowdenbeath, Fife, KY4 8NF (“the Property”)

Parties:

Mr Brian Duncan, 42A Station Road, Cardenden, Fife, KY5 0BP (“the Applicant”)

Miss Gemma Muirhead, 37 Thistle Street, Cowdenbeath, Fife, KY4 8NF (“the Respondent”)

Tribunal Members:

Andrew McLaughlin (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that

This matter called as a Case Management Discussion at Fife Voluntary Action, 16 East Fergus Place, Kirkcaldy. The Applicant was personally present together with Mr Gavin Burt, his representative. There was no appearance by or on behalf of the Respondent. The Respondent had sent in a letter explaining that she would not attend and making various representations on a range of topics in respect of this matter. These representations included what appeared to be an acknowledgement that she was in rent arrears and in that regard could reasonably be interpreted as admitting that the facts of the Application were well founded, at least in respect of the stated level of rent arrears.

The Tribunal was satisfied that the tenancy agreement was a Short Assured Tenancy and that a Notice to Quit and Form AT6 had been served. The Applicant lodged an up-to-date rent statement, which evidenced his position that Grounds 8 had been met and that accordingly the Application should be granted.

Accordingly the Tribunal granted the eviction order on the basis of there being sufficient evidence of Grounds 8 having been established and the Application otherwise fulfilling all relevant statutory and procedural requirements.

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.

A McLaughlin

Legal Member/Chair

23/11/18

Date