

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(1) of the housing (Scotland) Act 1988 (Act)

Chamber Ref: FTS/HPC/EV/19/3985

Re: Property at 7 (2F2) Gladstone Terrace, Edinburgh, EH9 1LU ("the Property")

Parties:

Mrs Soek Wai Wong, 178 Whitehouse Road, Edinburgh, EH4 6DB ("the Applicant")

Miss Ina Hanisch, 7 (2F2) Gladstone Terrace, Edinburgh, EH9 1LU ("the Respondent")

Tribunal Members:

Alan Strain (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that the order for eviction and recovery of possession be granted.

Background

This is an application for eviction and recovery of possession under section 18(1) of the Act and Rule 65 of the Tribunal Procedure Rules. The Ground for eviction and recovery of possession was Ground 8 of Schedule 5 to the Act.

The Tribunal had regard to the following documents:

1. Application received 17 December 2019;
2. AT5 dated 31 January 2017;
3. Short Assured Tenancy (**SAT**) commencing 1 February 2017;
4. AT6 dated 7 November 2019;
5. Notice to Quit dated 30 July 2019;
6. Sheriff Officer Certificate of Service of AT6 dated 8 November 2019;

7. Section 11 Notice to Local Authority.

Case Management Discussion (CMD)

The case called for a CMD on 21 February 2020. The Applicant did not appear but was represented by her solicitor. The Respondent did not appear and was not represented.

The Tribunal was satisfied that the Respondent had been served with notification of the CMD by Sheriff Officers under reference to their Certificate of Service. The Respondent was aware that the CMD could proceed in her absence and that the Tribunal could determine the matter if satisfied that it had sufficient information to do so and the procedure was fair.

The Applicant's position was that the Tribunal should grant the order sought as the paperwork was in order and the requirements of Ground 8 were satisfied.

The Tribunal considered the documents and what had been said. The Tribunal made the following findings in fact:

1. The Parties entered in to the SAT commencing 1 February 2017;
2. AT6 had been validly served on 8 November 2019;
3. As at the date of service of the AT6 the Respondent was in arrears of rent in the sum of £3,900 which was in excess of 3 months' rent;
4. As at the date of the CMD the Respondent was in arrears of rent in the sum of £6,240 which was in excess of 3 months' rent;
5. The rental arrears were not due to any delay or failure to make payment of a relevant benefit;
6. Section 11 notification had been given to the local authority; and
7. The Respondent remained in occupation of the Property.

The Tribunal considered the requirements of Section 18 of the Act and Ground 8. The Tribunal was satisfied that they were met. The Tribunal considered that it had sufficient information to make a decision at this stage and that the procedure was fair.

The Tribunal granted the order for eviction and recovery of possession as sought.

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.

Alan Strain

21 February 2020

Legal Member/Chair

Date