

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/19/0993

**Re: Property at Flat 2/2, 38 Plantation Square, Kinning Park, Glasgow, G51 1TQ
("the Property")**

Parties:

**Miss Helen Rice, 5 Eaglesham Court, Kinning Park, Glasgow, G51 1LL ("the
Applicant")**

**Mr Robert Abercrombie, Flat 2/2, 38 Plantation Square, Kinning Park, Glasgow,
G51 1TQ ("the Respondent")**

Tribunal Members:

Colin Dunipace (Legal Member) and Ahsan Khan (Ordinary Member)

Decision in absence of the Respondent

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

Background

- 1. This matter relates to an application for an Order for Possession of the property at Flat 2/2, 38 Plantation Square, Kinning Park, Glasgow, G51 1TQ. The application had previously called for a Case Management Discussion on 20 May 2019, at which time the full Hearing was fixed for 24 June 2019. At that time there was a dispute in relation to the amount due in respect of the outstanding rent, and also in relation to the position as to whether any arrears were attributable to errors made by the DWP at the point at which the respondent's benefits had changed from housing benefit to Universal Credit. Accordingly a full hearing was fixed to clarify the amount of any arrears of rent due at the time of service of the Form AT6 and at the date of the Hearing and to ascertain whether and to what extent any arrears of rent were attributable to a**

Statement of Reasons

The Applicant produced an up to date statement of rent arrears showing the extent of the outstanding arrears in the sum of £3085.72 as at 24 June 2019. These arrears are in excess of three months rental in relation to the property.

In terms of Section 18 of the Housing (Scotland) Act 1988 the Tribunal is to issue an Order against Respondents if it finds that one of the grounds mentioned in Schedule 5 have been established. Ground 8 is a mandatory Ground of said Schedule which provides that an Order should be made if both at the date of the service of the notice under section 19 of this Act relating to the proceedings for possession and at the date of the hearing, at least three month's rent lawfully due from the tenant is in arrears.

We were satisfied that in this Application that the Applicant has established this Ground, and as such is entitled to the Order as sought. For this reason we were satisfied that the Order sought should be 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.

C. Dunipace
Legal Chair

Date

24/6/19