



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 (“the Act”)

Chamber Ref: FTS/HPC/EV/18/0268

Re: Property at 45 Tiree, St Leonards, East Kilbride, G74 2DR (“the Property”)

Parties:

Mr Simon Chun Sing Chu, Mrs Yuklin Chu, 7 Cumbrae, St Leonards, East Kilbride, G74 2AY (“the Applicant”)

Mr Keith David Madden, Ms Jennifer Curran, 45 Tiree, St Leonards, East Kilbride, G74 2DR (“the Respondent”)

Tribunal Members:

Nairn Young (Legal Member) and Elizabeth Currie (Ordinary Member)

Decision

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

An order for possession of the property should be granted as against Mr Keith David Madden, 45 Tiree, St Leonards, East Kilbride, G74 2DR.

STATEMENT OF REASONS

This is an application for an order for possession of the Property. The Applicants seek to rely on Grounds 8, 11 and 12 of Schedule 5 to the Act.

At the outset of the hearing, it was established that Ms Curran is not a party to the lease in issue and is not in occupation of the Property. The Applicants therefore withdrew their application, as against Ms Curran.

The Tribunal finds the following facts established:

1. That the Property is leased to Mr Madden in terms of an assured tenancy dated 14 June 2017. The tenancy was to run from 1 August 2017 to 31 July 2018.
2. That, in terms of that tenancy, the rent was due on the first day of the month. The rent was £620 per month.
3. That a payment of £610 was made in regard to the month of August 2017 on 28 July 2017. Further payments of £644.40 and £322.20 were made on 15 November and 29 November, respectively.
4. That the deposit in relation to the tenancy was released to the Applicants due to arrears of rent on 29 October 2017. This deposit amounted to £565.
5. No other payments have been made to the rent account as of the date of the hearing.
6. That the form AT6 was served on 12 January 2018. At that time the outstanding arrears were £1,578.40 and thus equivalent to less than three months rent. The amount of arrears outstanding at the date of the hearing is £3,438.40.
7. That the tenant has persistently delayed in paying rent which has become lawfully due. In addition, that some rent lawfully due was unpaid on the date upon which the proceedings were raised (29 January 2018).
8. That there is no realistic prospect of Mr Madden being able to address the arrears within a reasonable period of time.

The Tribunal therefore found Ground 8 of the Act not to have been established; Grounds 11 and 12 of the Act to be established; and considered it reasonable in all of the circumstances to grant the order requested.

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.

N Young

Legal Member/Chair

19 APRIL 2018
Date