

Housing and Property Chamber
First-tier Tribunal for Scotland



Statement of Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 19 of the Housing (Scotland) Act 1988

Chamber Ref: FTS/HPC/EV/18/0123

Re: Property at 9 Criffel Drive, Dumfries, DG2 0PE ("the Property")

Parties:

Mr Andrew Wood, Mrs Margaret Wood, c/o 31A North Bridge Street, Bathgate, West Lothain, EH48 4PJ ("the Applicant")

Mr Ian Winning, 9 Criffel Drive, Dumfries, DG2 0PE ("the Respondent")

Tribunal Members:

Andrew McLaughlin (Legal Member)

Decision

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

- This is an application made by Mr Andrew Wood and Mrs Margaret Wood for an order for possession of the property let to the Respondent at 9 Criffel Drive, Dumfries.
- A Case Management Discussion was convened at George Town Community Centre, Dumfries at 10am on 7 March 2018. The Applicant was represented by Mr Lister McKiddie, solicitor and the Respondent was personally present. All parties understood the nature of the hearing and had received all the relevant Tribunal paperwork.
- The Applicant invited the Tribunal to make an order on the basis that Grounds 8 of Schedule 5 of the Housing (Scotland) Act 1988 applied; namely that three months rent lawfully due by the Respondent was in arrears both at the date of service of the notice of proceedings and at today's hearing. The Respondent accepted that three months rent was lawfully due both at the date of service of the notice of proceedings and at today's date. The Respondent invited the Tribunal to exercise discretion not to make an order and to allow further time for the arrears to be cleared.

- After carefully considering the documentation and the representations made at the hearing, the Tribunal considers that it has no discretion to refuse the order sought by the Applicant in respect of Grounds 8 of Schedule 5 of the Housing Act (Scotland) 1988 and so granted the order 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.

Where such an appeal is made, the effect of the decision and of any order is suspended until the appeal is abandoned or finally determined by the Upper Tribunal, and where the appeal is abandoned or finally determined by upholding the decision, the decision and any order will be treated as having effect from the day on which the appeal is abandoned or so determined.

A McLaughlin

Legal member/Chair

Date

7/3/2018