

**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/18/3232**

**Re: Property at 25 Murroch Crescent, Bonhill, West Dumbartonshire, G83 9QG (“the Property”)**

**Parties:**

**Mr William Robertson, C/O SB Property, 121 Glasgow Road, Dumbarton, G82 1RG (“the Applicant”)**

**Ms Abby McNaught, 25 Murroch Crescent, Bonhill, West Dumbartonshire, G83 9QG (“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 recovery of possession and eviction in terms of section 18(1) of the Act and Rule 65 of the Procedure Rules. The Applicant asserts Grounds 8, 11 and 12 for recovery of possession.

The following documents were referred to:

1. Application received 30 November 2018;
2. Statement of Rent Arrears as at 1 November 2018;
3. Short Assured Tenancy Agreement (SAT) dated 4 August 2017;
4. Certificate of Service of Notification by Sheriff Officers dated 11 January 2019;
5. AT6 dated 1 November 2018 and proof of service by Sheriff Officers on 2 November 2018;

Alan Strain

6. Section 11 Notice dated 28 November 2018.

### **Case Management Discussion (CMD)**

The case called for a CMD on 29 January 2019. The Applicant was represented. There was no appearance by the Respondent. The Applicant's agents provided an up to date statement of arrears and moved for the order sought.

So far as material the Tribunal made the following findings in fact:

1. The Parties entered a SAT 4 August 2017;
2. The Monthly Rent was £395;
3. As at 1 November 2018 the Respondent was in arrears to the amount of £1,975 (which is in excess of 3 months' rent);
4. As at the CMD the Respondent was in arrears to the amount of £2,765;
5. Ground 8 of Schedule 5 to the Act was established;
6. There was no evidence of any delay or failure to pay any relevant benefit.

The Tribunal was satisfied that the Respondent had notification of the CMD and the fact that the Tribunal could determine matters in her absence if satisfied that it had sufficient information and it was fair to do so.

The Tribunal were satisfied that the rent was in arrears to the extent of £1,975 as at the date of service of the AT6 and £2,765 as at the date of the CMD. The basis of Ground 8 was made out so the Tribunal granted the order sought on the basis that it had sufficient information and that it was fair and appropriate to do so.

### **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

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**Legal Member/Chair**

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**Date**

*29 January 2019*