



**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**

**Chamber Ref: FTS/HPC/EV/20/0226**

**Re: Property at Glenroan Cottage, Glenroan Farm, Knockvennie, Castle Douglas, DG7 3NU (“the Property”)**

**Parties:**

**Mr Oscar Yerburgh, Barwhillanty, Parton, Castle Douglas, GD7 3NS (“the Applicant”)**

**Mr Daniel Clark, Unknown, Unknown (“the Respondent”)**

**Tribunal Members:**

**Andrew McLaughlin (Legal Member) and Janine Green (Ordinary Member)**

**Decision (in absence of the Respondent)**

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

- **Background**

**The Applicant lodged an Application seeking an Eviction Order in respect of the Respondent’s tenancy at the Property. The Application was in respect of Section 18 of the Housing (Scotland) Act 1988. The Application included a Short Assured Tenancy between the parties, the Form AT5, a Notice to Quit dated 11 October 2019, Form AT6 dated 11 October 2019 and a S11 Notice intimated to the relevant local authority in respect of the Homelessness (etc) Scotland Act 2003.**

- **The Hearing**

**The Application called for a Hearing at 10am on 21 September 2020 by telephone conference. Intimation of the Application and the Hearing had been served on the Respondent by means of service by advertisement on 17 August 2020. Sheriff Officers had previously been unable to effect service of the Application on the Respondent at the Property. The Respondent did not appear and was not represented at the Hearing. The Applicant was represented by Mr Adam Turnbull, Solicitor of Gillespie Gifford and Brown LLP.**

- **Findings in Fact**

**Having heard from Mr Turnbull, the Tribunal made the following findings in fact.**

- I. There was a Short Assured Tenancy between the parties dated 16 December 2012 setting out a tenancy period of between 22 December 2012 and 21 December 2013 and thereafter continuing monthly.**
- II. The Applicant was the landlord and the Respondent was the tenant in respect of this Short Assured Tenancy.**
- III. The monthly rent due by the Respondent to the Applicant in respect of the Tenancy was £300.00 per month.**
- IV. The Respondent fell into rent arrears.**
- V. On 18 October 2019 the Applicant served a Notice to Quit and Form AT6 on the Respondent advising that proceedings would be raised on 28 November 2019 if the arrears were not settled.**
- VI. The Notice to Quit and Form AT6 were served on the Respondent by Sheriff Officers.**
- VII. The AT6 specified Grounds 8, 11 and 12 of the Housing (Scotland) Act as being engaged and that these Grounds would be the basis of any subsequent Application for an Eviction Order.**
- VIII. As at the date of service of the Form AT6 and Notice to Quit and also as at today's Hearing, Grounds 8 of the said Act remains engaged in that at both dates the Respondent owed and still owes the Applicant rent arrears of in excess of three months' worth of rent.**

- **Reasons for Decision**

Having made the above findings in fact the Tribunal unanimously considered that the tests set out in Section 18 of the said Act were met.

- **Decision**

The Tribunal accordingly granted the Application for an Eviction 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.



ANDREW McLAUGHLIN

21<sup>st</sup> September 2020

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**Legal Member/Chair**

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**Date**