



**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**

Reference number: FTS/HPC/EV/21/2972

Property: 26 Stewarton Road, Glasgow, G46 7UZ

Parties:

Abdul Shakoor, 20 Brewery Street, Dumfries, DG1 2RP (“the Applicant”)

And

Mrs Sehrina Ashraf, 26 Stewarton Road, Glasgow, G46 7UZ (“the Respondent”)

**Tribunal Members:**

**Paul Doyle (Legal Member)**

**Angus Lamont (Ordinary Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) makes an order for possession of the Property in terms of Section 18 of the Housing (Scotland) Act 1988 under Grounds 8, 11, & 12 of part 3 of schedule 5 to the 1988 Act.**

**Background**

The Applicant sought recovery of possession of the Property in terms of Section 18 of the Housing (Scotland) Act 1988 (“the Act”). The documents produced were a Short Assured Tenancy agreement dated 10 June 2010 and a form AT6 dated 13 May 2021, a Notice in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003, and a schedule of unpaid rental. A copy title sheet was lodged with the Tribunal which showed that the applicant is the heritable proprietor of the Property.

**Case Management Discussion**

A case management discussion took place before the Tribunal at 10.00am on 18 March 2022 by telephone conference. The Applicant was represented by Ms K

Donnelly, of T C Young & Co, solicitors. The respondent was neither present nor represented. The time, date, and place of the case management discussion had been intimated to the respondent by Sheriff Officers.

### **Findings in Fact**

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent entered into a Short Assured Tenancy Agreement for the Property dated 10 June 2010. In terms of the tenancy agreement the respondent agreed to pay rental at the rate of £1,100.00 per month. The monthly rental was subsequently reduced to £850.00.
2. The respondent has not made a full payment of rental since May 2017. The respondent has not paid any rental since August 2019. At the date of application there were arrears of rent totalling £29,638.13. Today, there are rent arrears totalling £30,038.13.
3. Until February 2017 the respondent had been entitled to housing benefit, but the housing benefit entitlement accounted for only a portion of the monthly rental, leaving a balancing payment to be made by the respondent. The respondent did not always make that balancing payment so that the arrears have steadily increased.
3. On 14 May 2021 the applicant served a form AT6 on the respondent. On 29 November 2021 the applicant submitted this application to the tribunal.
4. The respondent has not made a full payment of rent since May 2017. The respondent has not paid any rental since August 2019. At the date of application there were nearly 3 years arrears of rental. At today's date arrears of rental total £30,038.13, which is much more than 3 months rental.
5. The Applicant seeks recovery of possession of the Property in terms Grounds 8, 11 & 12 of part 3 of schedule 5 to the 1988 Act. At the date of application there were nearly 3 years' arrears of rental. At today's date arrears of rental total £30,038.13.
6. The respondent offers no resistance to this application. Sheriff Officers served notice of this hearing on the respondent.
7. The respondent is married and lives with her husband in the tenancy. Various attempts have been made by the applicant's representatives to engage with the respondent. The respondent has resisted all attempts at communication on behalf of the landlord, so that it is not known if the respondent's circumstances have changed.
8. There is no suggestion that the respondent is in arrears of rent either wholly or partly a consequence of a delay or failure in the payment of a relevant benefit. It is not

argued that it is unreasonable to grant an order for repossession of the property. The weight of reliable evidence indicates that it is reasonable to grant an order for repossession of the property.

### **Reasons for the Decision**

The Tribunal determined to make an Order for possession of the Property in terms of section 18 of the Housing (Scotland) Act 1988. The basis for possession set out in in terms Grounds 8, 11 and 12 of schedule 5 to the 1988 Act are established. The respondent offers no defence to the application. For these reasons, the Tribunal determined to grant an Order for possession.

### **Decision**

For the foregoing reasons, the Tribunal determined to make an Order for possession of the Property in terms of section 18 of the Housing (Scotland) Act 1988 under Grounds 8, 11, and 12 of schedule 5 to the 1988 Act.

### **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.**

# P. Doyle

Legal Member

18 March 2022