



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

Chamber Ref: FTS/HPC/EV/23/2142

Re: Property at 43 1/2 Curzon Street, Glasgow, G20 9HD (“the Property”)

Parties:

Scottish Garden City Housing Society Limited, 525 Ferry Road, Edinburgh, EH5 2FF (“the Applicant”)

Ms Roberta Robertson, 43 1/2 Curzon Street, Glasgow, G20 9HD (“the Respondent”)

Tribunal Members:

Nairn Young (Legal Member) and Sandra Brydon (Ordinary Member)

Decision (in absence of the Respondent)

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

- Background

This is an application for an order for possession against the Respondent, who occupies the Property in terms of a statutory assured tenancy. It called for a case management discussion (‘CMD’) at 2pm on 16 October 2023, by teleconference. The Applicant was represented on the call by Mr MacPherson, of Brodies LLP. The Respondent was not on the call and was not represented. The commencement of the CMD was delayed by 10 minutes to allow for any technical difficulty she may have been experiencing, but there remained no contact from her.

Notice of the CMD was served on the Respondent by sheriff officers on 7 September 2023. The Tribunal was therefore satisfied that the Respondent was aware of the CMD and had chosen not to attend: and that it was therefore fair to proceed in her absence.

- Findings in Fact

1. The Applicant lets the Property to the Respondent in terms of a statutory assured tenancy, which she succeeded to on 2 December 2019, upon the death of her husband.
2. The Applicant is a charity providing accommodation to veterans.
3. The rent due under the tenancy is £354 per month.
4. On 8 November 2022 and 25 January 2023, the Applicant sent letters to the Respondent complying with the pre-action protocol prescribed by the Scottish Ministers.
5. On 25 January 2023, the Applicant sent a form AT6 indicating that it intended to rely on Ground 8A of Schedule 5 to the Housing (Scotland) Act 1988 ('the Act') in any application for an order for possession of the Property to follow.
6. As at 25 January 2023, the Respondent was in arrears of rent to the sum of £6,327.
7. The Respondent occupies the Property with an adult son.
8. The Applicant has attempted to engage with the Respondent on several occasions to discuss addressing the arrears, but she has not reciprocated. The applicant has continued to make visits to the property to engage with her. It is known that she is in receipt of a pension and that she lives with an adult son in the property. The property has not been adapted in any way. There are

no known vulnerabilities. The tenants lack of engagement with the applicant means that further information on her current circumstances is not known.

- Reasons for Decision

9. Ground 8A has been made out. At the time that the form AT6 was served, the Respondent was in arrears of rent of over 6 months. The Respondent has failed to engage with the Applicant to address the arrears, which are now substantial, and which continue to grow. It is therefore reasonable for an order for possession to be granted.

- Decision

Order for possession granted.

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

Date 16th October 2023