



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/19/1169

Re: Property at 54 Gemini Grove, Holytown, ML1 4SP (“the Property”)

Parties:

Mr Jeremy Finn and Ms Ruth Finn, c/o Independent MPS, 23 Stirling St, Airdrie, ML6 0AH; c/o Independent MPS, 23 Stirling Street, Airdrie, ML6 0AH (“the Applicant”)

Miss Claire Yarwood and Mr Scott Smith, 45 Gemini Grove, Holytown, ML1 4SP (“the Respondent”)

Tribunal Members:

John McHugh (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for possession of the Property should be made in favour of the Applicant.

Background

The Applicant is the landlord and the Respondent the tenant in respect of a lease of the Property. The Applicant seeks possession of the Property.

The Case Management Discussion

A Case Management Discussion (“CMD”) took place at the Glasgow Tribunals Centre on 16 July 2019. The Applicant was represented by its lettings agent, Mrs Kirsty Hill. The Respondent was neither present nor represented.

Findings in Fact

The Applicant is the landlord and the Respondent the tenant in respect of a short assured tenancy of the Property dated 3 July 2014.

The tenancy agreement provides that rent is payable by the Respondent jointly and severally at the rate of £500 per month.

Rent was outstanding in the amount of £10730.42 at the date of the application and that amount had increased by the date of the CMD.

The Respondent remains in occupation.

Reasons for Decision

Rent was outstanding in the amount of £10730.42 at the date of the application. Further rent had accrued by the date of the CMD. No valid reason for non-payment has been given although the Respondent has emailed the office of the Tribunal on 24 June 2019. In that email, the Respondent claimed that there are issues relating to the repair of the Property although there was no information as to how this related to the non-payment of rent.

The Applicant advises that the Respondents are working and not in receipt of benefits so there is no evidence of difficulties with benefits having caused non-payment. The Tribunal is satisfied that Ground 8 of Part I of Schedule 5 to the 1988 Act has been established and that an order for possession should be made.

Decision

An order for possession of the Property in favour of the Applicant will be made.

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.

J McHugh

John McHugh, Legal Member/Chair

16 July 2019

Date