

**Housing and Property Chamber**  
First-tier Tribunal for Scotland

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**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/18/2409**

**Re: Property at Flat 2/2, 4 Tollcross Road, Tollcross, Glasgow, G31 4XD (“the Property”)**

**Parties:**

**Mr Lenny Winsel, Mrs Esther Tean Hui Heoe, c/o 104 Bellgrove Street, Glasgow, G31 1AA (“the Applicant”)**

**Mr Michael Biggins Flat 2/2, 4 Tollcross Road, Tollcross, Glasgow, G31 4XD (“the Respondent”)**

**Tribunal Members:**

**Mark Thorley (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 be granted**

**Background**

**By application dated 19 September 2018 the applicant applied to the First-tier Tribunal under Rule 65. The application was accompanied by a copy Lease dated 30 June 2017, copy AT5, copy AT6 with Sheriff Officers’ execution of service, copy rent statement and Local Authority Notice. No representations were received on behalf of the respondent.**

## Case Management Discussion

Mr Ritchie solicitor appeared on behalf of the applicant. There was no appearance by or on behalf of the respondent. Papers had been personally served on the respondent by Sheriff Officers on 21 February 2019.

Mr Ritchie advised that no further rent had been received by the applicant and that the rent statement indicated that rent arrears in excess of three months had accrued. Arrears now stood at £5860.11

## Findings in Fact

1. The tenancy between the parties was constituted by Tenancy Agreement dated 30 June 2007. Rent was due to be paid at the rate of £395 per month. Rent arrears amounting to £2915.11 had accrued by the date of the Notice. This constituted more than 3 months rent arrears.
2. The respondent had received all relevant paperwork which was in order.

## Reasons for Decision

The Respondent was in significantly more than 3 months rent arrears. No rent was being paid.

## 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.

Mark Thorley

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Legal Member/Chair

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Date

13 Mar 2019.