



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland  
(Housing and Property Chamber) under Section 19 of the Housing (Scotland)  
Act 1988**

**Chamber Ref: FTS/HPC/EV/18/0125**

**Re: Property at 12 Abbotswell Road, Peterhead, AB42 1QU (“the Property”)**

**Parties:**

**Mr Colin McRae, C/O Solaris Properties, 3 St Peter Street, Peterhead, AB42  
1RR (“the Applicant”)**

**Ms Deborah Frew, 12 Abbotswell Road, Peterhead, AB42 1QU (“the  
Respondent”)**

**Tribunal Members:**

**George Clark (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 terms of Section 19 of the Housing (Scotland) Act 1988.**

- **Background**

The Respondent is the tenant of the Property under a Short Assured Tenancy, which commenced on 1 July 2017.

The Applicant applied to the Tribunal on 15 January 2018 for an Order for Possession of the Property on Ground 8 of Schedule 5 of the Housing (Scotland) Act 1988 (“the Act”).

On 29 March 2018, a Legal Member of the Tribunal referred the Application to a Tribunal for determination and this decision was intimated to the Parties on 16 May 2018, when the Parties were also advised of a date, time and place set for a Case Management Discussion.

No written representations were received from the Parties prior to the Case Management Discussion.

- **The Case Management Discussion**  
 A Case Management Discussion was held at The Credo Centre, Aberdeen on the morning of 19 July 2018. The Applicant was present at the Case Management Discussion. The Respondent was neither present nor represented.  
 At the Case Management Discussion, the Applicant advised the Tribunal that no payment of rent had been received from the Respondent since the commencement of the tenancy of the Property.
- **Findings in Fact**  
 The Tribunal has seen evidence of service on the Respondent of a Notice given under Section 19 of the Act. The Notice is dated 1 December 2017. The Notice specifies that the Applicant intends to seek possession of the Property on Ground 8 of Schedule 5 of the Act and that the earliest date at which proceedings can be raised is 15 December 2017.  
 The Tribunal has also seen evidence of service on the Respondent of a valid Notice to Quit the Property dated 1 December 2017.  
 At least 3 months' rent was lawfully due from the Respondent both at the date of service of the Notice under Section 19 of the Act and at the date of the Case Management Discussion.
- **Reasons for Decision**  
 The Tribunal must make an Order for Possession where it is satisfied that the requirements of Ground 8 of Schedule 5 of the Act have been met, namely that both at the date of service of the Notice under Section 19 of the Act and at the date of the Case Management Discussion, at least three months rent is lawfully due from the Respondent. The Tribunal is satisfied that these requirements have been met.  
 The minimum period to be specified in a Section 19 Notice under Ground 8 of Schedule 5 of the Act is two weeks. The Tribunal is satisfied that this requirement has been met.  
 Rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 states that the Tribunal may do anything at a Case Management Discussion which it may do at a hearing, including making a decision.  
 The Tribunal determined to make a Decision on the Application.
- **Decision**  
 The Tribunal grants an Order for Possession of the Property.

## **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.**

Since an appeal is only able to be made on a point of law, a party who intends to appeal the tribunal's decision may wish to request a Statement of Reasons for the decision to enable them to identify the point of law on which they wish to appeal. A party may make a request of the First-tier Tribunal for Scotland (Housing and Property Chamber) to provide written reasons for their decision within 14 days of the date of issue of this decision.

Where a Statement of Reasons is provided by the tribunal after such a request, the 30 day period for receipt of an application for permission to appeal begins on the date the Statement of Reasons is sent to them.

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G Clark

Legal Member/Chair

19 June 2018

Date