



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/18/2020

Re: Property at Flat 1/2, 17 Glenelg Quadrant, Glasgow, G34 0DQ (“the Property”)

Parties:

AMPG Ltd t/a Ahuja Holdings, U1 South Fens Business Centre, Fenton Way, Chatteris, Cambridgeshire, PE16 6TT (“the Applicant”)

Mr James Mulligan, Flat 1/2, 17 Glenelg Quadrant, Glasgow, G34 0DQ (“the Respondent”)

Tribunal Member:

Nicola Irvine (Legal Member), Elaine Munroe (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) dismissed the application.

Background

The Applicant submitted an application seeking an order to evict the Respondent from the property at Flat 1/2, 17 Glenelg Quadrant, Glasgow, G34 0DQ. The Tribunal intimated the application to the parties by letter of 8th September 2018 and advised them of the date, time and place of today’s hearing. In that letter, the parties were also told that they required to attend the hearing and were informed that the Tribunal could make a decision today on the application if the Tribunal has sufficient information and considers the procedure to have been fair.

The Hearing

Neither party attended the hearing. The Tribunal noted from the application that the Applicant sought eviction on the basis that ground 8 of schedule 5 of the 1988 Act was said to have been established. The rent statement produced shows apparent rent arrears of £2,134 as at 29 July 2018, which is in excess of three months' rent. However, the Tribunal had no information about the current level of rent arrears.

Reason for Decision

The Tribunal did not have any information about the up to date level of rent arrears. The Tribunal was therefore unable to determine whether ground 8 had been established. In the absence of that information and in the absence of the parties, the Tribunal dismissed the application.

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.

Nicola Irvine

Legal Member/Chair

8th October 2018

Date