



**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/18/0570

Re: Property at 198 Main Street, Glasgow, G66 7ES (“the Property”)

Parties:

**Bridgeport Investments Ltd, Rosemount, 41 New Bartholomen Street,
Birmingham, B6 5QS (“the Applicant”)**

Mr Robert O'Shea, 198 Main Street, Glasgow, G66 7ES (“the Respondent”)

Tribunal Members:

Fiona Watson (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order is granted against the Respondent(s) for possession of the Property under section 18 of the Housing (Scotland) Act 1988.

- Background

An application was submitted by the Applicant under Rule 65 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017. Said application sought an order for possession against the Respondent.

- The Case Management Discussion

A Case Management Discussion took place on 2 October 2018. Gerard McNulty and Connor McNulty of R & G Estate Agents Ltd appeared on behalf of the Applicant. There was no appearance by or on behalf of the Respondent.

The Applicant's representatives moved for an order for possession to be granted. A Form AT6 had been served on the Respondent by way of recorded delivery post. Said Notice relied on Ground 11 of the Schedule 5 to the said 1988 Act, which states that "*whether or not any rent is in arrears on the date on which proceedings for possession are begun, the tenant has persistently delayed paying rent which has become lawfully due.*"

The Applicant's representatives confirmed that the sum of £3500 had been due by the Respondent in respect of rent arrears, at the date of the application being lodged.

The Applicant's representative advised the Tribunal that the arrears had continued to rise. Upon being asked to do so by the Tribunal, they were unable to confirm the increased level of rent arrears, nor were they able to produce an up to date rent statement following on from the statement lodged with the application. They simply confirmed that nothing further had been paid. The Tribunal was advised that the Respondent was still believed to be resident in the property, that he lived alone and that he was believed to be in full time employment.

The Applicant's representatives advised that the last time they had had any contact with the Respondent had been in July 2018 when he became locked out of his property and they had to assist with new keys. Since then they have called him, emailed him and hand delivered letters regarding his rent arrears, none of which has prompted any response from him.

- Findings in Fact

1. The parties entered into a short assured tenancy which commenced on 30 September 2016
2. In terms of the said tenancy agreement between the parties, the monthly rent due by the Respondent was £500 per month.
3. The arrears due as at the date of lodging the application stood at £3500
4. The Applicant had served a Form AT6 under section 18 of the said 1988 Act on the Respondent by recorded delivery post. Said Notice sought to rely on Ground 11 of Schedule 5 to the said 1988 Act.

- Reasons for Decision

The Tribunal was satisfied that the arrears due as at the date of lodging the application were £3500 and therefore Ground 11 as aforesaid had been established. The Tribunal was not satisfied that the arrears had continued to rise and a higher sum now fell due, given that the Applicants representatives could neither confirm the current level of arears nor provide an up to date rent statement.

The Tribunal was satisfied that a Form AT6 had been validly served on the Respondent by recorded delivery post and therefore the Applicant was entitled to seek to rely on Ground 11 as aforesaid. In the absence of the respondent, the Tribunal was satisfied that it would be reasonable to grant the order, taking into account the submissions made by the Applicant's representatives that the

Respondent lived alone and is in full time employment and that contact has been attempted by various methods.

- Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) granted an order against the Respondent(s) for possession of the Property under section 18 of the Housing (Scotland) Act 1988.

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.

Fiona Watson

Legal Member/Chair

Date

2/10/18