

**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 of the Housing (Scotland) Act 1988**

**Chamber Ref: FTS/HPC/EV/18/1623**

**Re: Property at 2 Orchard Grove, Victoria Park, Coatbridge, ML5 3PL ("the Property")**

**Parties:**

**Mr Adrian O'Donohue, Mrs Tracy O'Donohue, 1 Cromlet Drive, Coatbridge, ML5 2FB; Gilson Gray LLP, 29 Rutland Square, Edinburgh, EH1 2BW ("the Applicant")**

**Miss Nadia McFarlane, 2 Orchard Grove, Victoria Park, Coatbridge, ML5 3PL ("the Respondent")**

**Tribunal Members:**

**Nairn Young (Legal Member) and Colin Campbell (Ordinary Member)**

**Decision (in absence of the Respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that**

- Background

This application is for possession of the Property. It called for a hearing at 10am on 13 September 2018. The Applicants were represented by Mr Alexander of Gilson Gray Solicitors. The Respondent was not present or represented.

- Findings in Fact

1. An assured tenancy in terms of the Housing (Scotland) Act 1988 ('the Act') was executed by the Parties in relation to the Property on 1 September 2017.

2. Rent of £575 was due in terms of that agreement on 1 September 2017 and on the first of each subsequent month, until 1 February 2018. This arrangement was varied by agreement, such that on 14 February 2018 rent of £245 was due. From 14 March 2018 and thereafter rent of £575 was due on the fourteenth of each month.
3. On 27 February 2018 a payment of £195 was made by the Respondent. No payments have been made since. At the time of the hearing the sum of £4,075 was outstanding.
4. A Form AT6 in the prescribed form was served by solicitors on 16 May 2018. It indicated that the Applicant intended to raise proceedings for recovery of the Property on Grounds 8, 11 & 12 of Schedule 5 of Act.

#### Reasons for Decision

There being three months rent outstanding at the time of service of the AT6 and at the date of the hearing, Ground 8 of Schedule 5 to the Act is established. There is no evidence that any failure to pay rent is due to a delay or failure in the payment of relevant housing benefit or universal credit. The Tribunal is therefore obliged to grant the order.

#### Decision

Order for possession of the property should be granted.

#### 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.**

Nairn Young

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Legal Member/Chair

13 SEPTEMBER 2018

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Date