

Housing and Property Chamber
First-tier Tribunal for Scotland



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/18/1771

Re: Property at 39 Kylerhea Road, Glasgow, G46 8AB (“the Property”)

Parties:

Mr Stephen Duffy, 35 Roman Terrace, Leeds, LS8 2DU (“the Applicant”)

Ms Tracy Flannagan, 39 Kylerhea Road, Glasgow, G46 8AB (“the Respondent”)

Tribunal Members:

George Clark (Legal Member) and Leslie Forrest (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the requirements set out in Ground 8 of Schedule 5 to the Housing (Scotland) Act 1988 have been met and that in terms of 18 (1) of that Act, an order for possession should be made.

Background

By application received by the Tribunal on 13 July 2018, the Applicant sought an order for possession of the Property under Section 18 (1) of the Housing (Scotland) Act 1988 (“the 1988 Act”).

The Application was accompanied by a form AT6 dated 11 June 2018 and evidence of service on 12 June 2018. The form AT6 informed the Respondent that the Applicant intended to apply to the Tribunal for an order for possession on Grounds 8, 11 and 12 of Schedule 5 to the 1988 Act.

The Application was also accompanied by a rent statement indicating that the amount due by the Respondent as at 21 June 2018 was £3,945. The monthly rent in terms of the Tenancy (which had commenced on 21 February 2016) was £600 per month. The Respondent made no written representations to the Tribunal.

The Hearing

A hearing was held at Glasgow Tribunals Centre, 20 York Street, Glasgow G2 8GT on the afternoon of 10 September 2018. The Applicant was represented by Miss Kirsty Morrison of TC Young LLP, Solicitors, 7 West George Street, Glasgow. The Respondent was neither present nor represented at the hearing.

The Applicant's representative told the Tribunal that the rent for the property remained more than 3 months in arrears, the amount currently due being £3,795.

Reasons for Decision

The Tribunal was satisfied that the Tenancy, which was a Short Assured Tenancy, had commenced on 21 February 2016 and noted that it had seen a statement of rent due and paid between that date and 21 August 2018.

Ground 8 of Schedule 5 to the 1988 Act requires the Tribunal to grant an order for possession where, both at the date of service of the AT6 Notice (Notice of Proceedings for Possession) and at the date of the hearing, at least 3 months' rent lawfully due from the Respondent is in arrears.

The Tribunal was satisfied that the requirements of Ground 8 had been met, that a valid Form AT6 had been served and that, consequently, the Tribunal was required to make the order sought.

Decision

The First-tier Tribunal determined that the requirements set out in Ground 8 of Schedule 5 of the Housing (Scotland) Act 1988 have been met and that in terms of 18 (1) of that Act, an order for possession should be made.

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.

George Clark
Legal Member/Chair

— 10 September 2018
Date