



**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/18/2327

Re: Property at 332 Braehead, Bonhill, Alexandria, G83 9NF (“the Property”)

Parties:

**Mr Giles Young, 153 Torbrex Road, North Cabrain, Cumbernauld, G67 2JY
 (“the Applicant”)**

**Miss Emma Hopper, 332 Braehead, Bonhill, Alexandria, G83 9NF (“the
 Respondent”)**

Tribunal Members:

John McHugh (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.**

A Case Management Discussion took place on 21 December 2018. The Applicant was present and was represented by Mr Smart, solicitor. The Respondent was neither present nor represented.

Findings in Fact

The Applicant is the owner of the Property.

The Applicant and the Respondent entered into a short assured tenancy of the Property dated 25 November 2013.

The Respondent commenced occupation on 1 December 2013 and remains in occupation.

The rent payable was £400/month.

At the time of raising the Application and at the date of the Case Management Discussion the sum of £6248.17 remains outstanding, which is in excess of three months' rent.

Notice to Quit was served upon the Respondent on 26 June 2018.

On 26 June 2018 the Applicant served notice under section 19 of the Housing (Scotland) Act 1988 of his intention to raise proceedings.

Reasons for Decision

The Tribunal accepts that three months' rent have been outstanding both at the time of the Application and of the hearing and, accordingly, that mandatory Ground 8 contained within Schedule 5 to the 1988 Act has been established. The Tribunal therefore considered it appropriate to make a decision upon the Application at this stage rather than by appointing a Hearing.

The Respondent had sent a letter to the Tribunal office which offered to pay arrears at the rate of £30/month. The Applicant's solicitor confirmed that this was unacceptable and that the Applicant continued to seek the granting of the Application.

Decision

We decide that Ground 8 of Schedule 5 to the Housing (Scotland) Act 1988 has been established and that 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.

Mr John McHugh

John McHugh, Legal Member/Chair

21 Dec 2018

Date