

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 of the Housing (Scotland)
Act 1988**

Chamber Ref: FTS/HPC/EV/18/2379

Re: Property at 88 Victoria Road, Falkirk, FK2 7AX (“the Property”)

Parties:

Wizz Properties Ltd, 2 Melville Street, Falkirk, FK1 1HZ (“the Applicant”)

Mr Steven Stobie Ford, 88 Victoria Road, Falkirk, FK2 7AX (“the Respondent”)

Tribunal Members:

John McHugh (Legal Member) and Helen Barclay (Ordinary 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 hearing took place at STEP Stirling on 12 November 2018. The Respondent was neither present nor represented. The Applicant was represented by Kirsty Donnelly of Bannatyne, Kirkwood & France, Solicitors.

Findings in Fact

The Applicant and the Respondent entered into a short assured tenancy of the Property dated 29 April 2016.

The Respondent commenced occupation on 29 April 2016.

The rent payable was £350 per month.

At the time of raising the Application three months' rent in the sum of £2989.07 was outstanding and remains outstanding as at today's date together with further rent which has fallen due since.

On 7 August 2018 the Applicant served notice under section 19 of the Housing (Scotland) Act 1998 of its intention to raise proceedings.

Reasons for Decision

The Applicant's representative advised the Tribunal that over three months' rent was outstanding at the date the application was commenced and that the outstanding rent had increased to £3689.07 by the date of the hearing.

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.

John McHugh

Legal Member/Chair

12 Nov 2018

Date