

**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/18/2930**

**Re: Property at 93/4 Milton Road East, Edinburgh, EH15 2NL (“the Property”)**

**Parties:**

**Lowther Homes Limited, 25 Cochrane Street, Glasgow, G1 1HL (“the Applicant”)**

**Mr Craig McKay, 93/4 Milton Road East, Edinburgh, EH15 2NL (“the Respondent”)**

**Tribunal Members:**

**Colin Dunipace (Legal Member)**

**Decision in absence of the Respondent**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an Order should be made in in terms of section 18(1) of the Housing (Scotland) Act 1988.**

**Background**

**This matter called before me as a Case Management Discussion in George House, George Street, Edinburgh on 7 January 2019. The Applicants were represented at this Discussion by Mr McKendrick, Solicitor, of Messrs TC Young. The Respondent was not present or represented at this Discussion. Given the non-attendance of the Respondent I considered the question of Service and noted that lawful service had been effected by Sheriff Officers on 6 December 2018. In these circumstances I was satisfied that the Discussion might proceed in the absence of the Respondent.**

**Having heard submissions from Mr McKendrick I noted that the Repondent had initially been paying rent in respect of the Short Assured Tenancy Agreement which had been entered into between the parties on 25 March 2011**

in relation to the subject property. I noted that the Respondent had initially made payment of the sums due in respect of the property in the sum of £630 per month until 1 April 2018. The Respondent had made no payments thereafter in relation to rent from 1 May 2018 until 30 December 2018. No explanation had been offered in relation to this non-payment and there had been no contact from the respondent in this regard.

I was satisfied therefore that in terms of Grounds 8, 11 and 12 of Schedule 5 to the aforementioned Act that the Applicants were entitled to the Order as craved.

Having heard the submissions of the Applicant's representative I was satisfied that it was appropriate to make an Order at this stage and that a full Hearing was not necessary. I was satisfied that the Applicants had established the factual position to a sufficient standard and as such determined that the Order as craved 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.

C.Dunipace

Legal Member 

Date 