



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 33 of the Housing (Scotland)
Act 1988**

Chamber Ref: FTS/HPC/EV/18/2285

Re: Property at 126 Thornhill Road, Falkirk, FK2 7AE (“the Property”)

Parties:

**Miss Stephanie Arsoška, Mr Darko Arsoški, 17 Duthie Street, Kirriemuir, DD8
5DJ (“the Applicants”)**

Mr Liam McEwen, 126 Thornhill Road, Falkirk, FK2 7AE (“the Respondent”)

Tribunal Members:

Richard Mill (Legal Member)

Decision (in absence of the Respondent)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that the Applicants be granted an order for possession
of the property.**

Background

By way of application made on 27 August 2018 the Applicants sought an order for possession of the property under section 33 of the Housing (Scotland) Act 1988. The application was accompanied by the short assured tenancy agreement which disclosed the tenancy commenced on 13 November 2017, the relevant AT5 Notice, a Notice under section 33 of the Act and Notice to Quit dated 2 August 2018 bringing the tenancy to an end on 12 October 2018.

The Respondent received intimation of the proceedings and all relevant supporting documentation by way of Sheriff Officer delivery. He was advised of the requirement to lodge written representations no later than 31 October 2018 and of the hearing on 2 November 2018 and of the need to attend this.

The Hearing

The first named Applicant attended and represented the interests of himself and his co Applicant who is his spouse. There was no appearance by or on behalf of the Respondent. The first named Applicant made submissions in support of the Application.

Reasons for Decision

The basis of the Application was with reference to the fact that the Respondent has failed to make any relevant rental payments since April 2018. More than 3 months rent was outstanding as at the date of the section 19 Notice intimating an intention to seek recovery and at the date of the hearing. This was evidenced by the bank statements of the Applicants and the oral evidence of the first Applicant which the Tribunal found to be credible and reliable sources of evidence. All the relevant statutory Notices have been served timeously.

The existence of 3 months arrears of rent in the circumstances is a mandatory ground for seeking recovery of possession and in the circumstances the Tribunal is obliged to grant the order sought.

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.

R Mill

Legal Member/Chair

2 November 2018

Date