



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 16 of the Housing (Scotland) Act 2014

Chamber Ref: FTS/HPC/EV/18/0565

Re: Property at 90 Portland Place, Hamilton, ML3 7LA (“the Property”)

Parties:

Mrs Deveshree Rawat, c/o Lets Let, 37 Cadzow Street, Hamilton, ML3 6EE (“the Applicant”)

Mr Stephen Joseph Brown, 90 Portland Place, Hamilton, ML3 7LA (“the Respondent”)

Tribunal Members:

Fiona Watson (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 repossession of the property at 90 Portland Place, Hamilton, ML3 7LA is granted against the Respondent.

- **Background**

An application was submitted under Rule 65 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 on 7 March 2018. The application sought a repossession order against the Respondent due to rent arrears having been accrued by him. Said application relied on Grounds 8, 11 and 12 of Schedule 5 to the Housing (Scotland) Act 1988 and was made under section 18 of the said Act.

- **The Case Management Discussion**

A Case Management Discussion took place on 8 May 2018. The Applicant was personally present, and was represented by Lorna Turner of Leonards, solicitors. The Respondent was neither present nor represented.

Ms Turner moved the Tribunal to grant the repossession order as sought in the application. Ms Turner referred to copy emails which had been sent to the

Tribunal office on 25 April 2018 in terms of which the Respondent claimed to the letting agent that he was no longer residing in the property. Ms Turner also referred to a Tracing Agent report which had been submitted to the Tribunal office on 27 April, instructed by the Applicant, and which confirmed that the Respondent was still resident at the property address of 90 Portland Place, Hamilton, ML3 7LA. The Tribunal was advised that the Respondent had failed to make any payment of rent since 31 August 2017 and the arrears had increased to £2843.16 as at 7 May 2018. The monthly rent was £395. The arrears reflected over seven months' of rent due. The mandatory Ground 8 of the 1988 Act applied, as the Respondent remained in over three months' arrears of rent. No keys had been returned by the Respondent, nor had he collected his belongings which still remained in the property.

- Findings in Fact

The Tribunal papers had been served on the Respondent by Sheriff Officer letterbox delivery on 12 April 2018, following the Sheriff Officer having reasonable grounds for believing that the Respondent continued to reside there.

A tracing agent report confirmed the Respondent's residence at the property address on 27 April 2018.

The Tribunal office had further emailed the papers to the Respondent on 4 May 2018.

The tenancy between the parties commenced on 18 August 2017. The tenancy had not been lawfully terminated.

The arrears had increased to £2843.16 as at 7 May 2018.

The mandatory Ground 8 to the Housing (Scotland) Act 1988 applied, as over three months' rent remained due by the Respondent.

- Reasons for Decision

The Tribunal was satisfied that the papers had been served at the property address and that the Respondent had been given reasonable notice of the date and time of the Case Management Discussion. No response to the application had been given by the Respondent to the Tribunal. The mandatory Ground 8 to the Housing (Scotland) Act 1988 applied, as over three months' rent remained due by the Respondent.

- Decision

The Tribunal granted an order for repossession of the property at 90 Portland Place, Hamilton, ML3 7LA, against the Respondent.

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.

Fiona Watson

Legal Member/Chair

8/5/18.

Date