



**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/18/2194

**Re: Property at Flat 1, 15 Burnhill Quadrant, Rutherglen, G73 1ER (“the
Property”)**

Parties:

**Mrs Pamela Frances Aitken, 197 Maxwellton Avenue, East Kilbride, G74 3DT
 (“the Applicant”)**

**Mr Scott Guthrie, Flat 1, 15 Burnhill Quadrant, Rutherglen, Glasgow, G73 1ER
 (“the Respondent”)**

Tribunal Members:

Joseph C Hughes (Legal Member)

Decision (in absence of the Respondent)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that:**

BACKGROUND:

- 1. The Applicant was represented by her husband, Mr Thomas Aitken.**
- 2. The Respondent did not attend the Case Management Discussion calling today.**
- 3. The Respondent was the tenant of the property in terms of a Short Assured Tenancy commencing 1st November 2017 with a monthly rent of £450 per calendar month payable monthly in advance.**
- 4. There is a Sheriff Officers Certificate of Execution dated 7th January 2019 upon the Respondent intimating today’s Case Management Discussion.**
- 5. There has been no communication from the Respondent since the Application was first lodged by the Applicant.**
- 6. This is the third date allocated to the Case Management Discussion. There have been considerable difficulties communicating with the**

Respondent. Extensive enquiries have been made by the Applicant, the Tribunal Secretariat and Sheriff Officers to locate the Respondent and communicate with him. |The Tribunal is satisfied that everything possible has been done and that reasonable due diligence has been followed through to ensure the Respondent is aware of today's Case Management Discussion.

FINDINGS IN FACT:

- 7. The tribunal made the following Findings in Fact:-**
- (a) The Applicant is the Landlord of the Property;**
 - (b) The Respondent is the tenant and there is a lease between the parties commencing 1st November 2017;**
 - (c) The Respondent has fallen into significant arrears of rent. The last payment of rent was in May 2018. There have been no further payments since that date;**
 - (d) The Applicant has been unable to make any meaningful contact with the Respondent since the last payment of rent received on 1st May 2018. The Applicant believes the Respondent continues to reside in the property;**
 - (e) The current level of arrears, as at today's date, is therefore in excess of three months. The rent is repayable at £450 per calendar month in advance;**
 - (f) The original Deposit of £450 was lodged with Safe Deposit Scotland. The Deposit continues to be lodged therein;**
 - (g) The tenant is in arrears equivalent to an amount equal to or greater than one month's arrears as at today's date;**
 - (h) There has been arrears for a continuous period of up to three or more consecutive months as at today's date;**
 - (i) The arrears are not wholly or partly due to delay or failure of payment of relevant benefits. The tenant stated previously he was employed as a chef;**
 - (j) Rent lawfully due from the Respondent was unpaid as at the date on which the proceedings had begun and was in significant arrears as at the date when the Respondent received Notice under Section 19 Housing (Scotland) Act 1988 in terms of the Form AT6 dated 31st July 2018;**
 - (k) South Lanarkshire Council has been previously issued with a Section 11 Notice by the Landlord of these Proceedings for Possession,**

REASONS FOR DECISION:

- 8. The Tribunal is satisfied that the Respondent has failed to make any payment towards the rent since the last payment of 01/06/18. The arrears have been in place for a long time.**
- 9. The Tribunal is satisfied that Mandatory Grounds 8, 11 and 12 are established. It is clear that the Respondent has no intention of paying the rent arrears.**
- 10. It is appropriate that an Order for eviction be granted.**

DECISION:

The Tribunal grant an Order against the Respondent, Mr Scott Guthrie, for possession of the Property.

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.

Joseph Hughes

23rd January 2019

**Legal Member/Chair
'Joseph C Hughes'**