

**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/18/0115**

**Re: Property at 1st Floor Left, 22 Charlotte Street, Aberdeen, AB25 1LR (“the Property”)**

**Parties:**

**Marnox Properties Ltd, 144 Crown Street, Aberdeen, AB11 6HS (“the Applicant”)**

**Mr Ricki Barron, 1st Floor Left, 22 Charlotte Street, Aberdeen, AB25 1LR (“the Respondent”)**

**Tribunal Members:**

**Valerie Bremner (Legal Member) and Frances Wood (Ordinary Member)**

**Decision (in absence of the Respondent)**

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

**This is an application by Marnox Properties Ltd brought in terms of Rule 65 (Application for order for possession upon termination of a short assured tenancy) of the First Tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 as amended.**

**The applicant provided with his application copies of the short assured tenancy agreement, forms AT5 and 6, Notice to Quit, Section 11 Notice and a letter addressed to the local authority and relevant executions of service. All of these documents and forms had been correctly prepared and served within required timescales in terms of the Housing (Scotland) Act 1988.**

**The Respondent had been validly served by Sheriff Officers with the notification, application, papers and guidance and I was presented with an execution of service.**

**Statement of Reasons**

The Respondent did not attend the Hearing and the Applicant's solicitor Mr Smith invited the Tribunal to proceed in his absence and the Tribunal being satisfied that the Respondent had been given due notice in terms of the Rules was prepared to proceed in his absence.

The applicant's legal representative invited the Tribunal to make an order on the basis that Grounds 8, 11 and 12 of Schedule 5 of the Housing (Scotland) 1988 applied but during the hearing the Applicant accepted that Ground 8 did not apply as the Respondent was not in three months' rent arrears as at the date of the Hearing.

The Applicant's employee Lorna Robb gave evidence to the Hearing that the respondent was in arrears of £550 and had been persistently late in payment of rent and referred the Tribunal to the statement of rent which demonstrated the payment dates for all rent payments made.

Mrs Robb gave evidence of a recent note which she had obtained which suggested that the Respondent was unemployed and in receipt of universal credit with a housing element of £327 per month. Both Mrs Robb and Mr John Logan a Director of the Applicant Company gave evidence that they had no knowledge of the Respondent having any difficulty with benefit payments and no party present had had any dealings with the tenant on the issue of rent payment.

Having carefully considered all of the documents, evidence given at the hearing and representations made, the Tribunal decided within its discretion under Grounds 11 and 12 that it was reasonable to make an order for possession in this matter.

#### 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.

V Bremner

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Legal Member/Chair

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Date

16th March 2018.