



**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/18/0250

Re: Property at 2 (1F4) Lorne Place, Edinburgh, EH6 8QT (“the Property”)

Parties:

Places for People Scotland, 1 Hay Avenue, Edinburgh, EH16 4RW (“the Applicant”)

Mr Ross McEwan, 2 (1F4) Lorne Place, Edinburgh, EH6 8QT (“the Respondent”)

Tribunal Members:

Fiona Watson (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant is entitled to their order for repossession in terms of section 18 of the Housing (Scotland) Act 1988.

- **Background**

An application was submitted by the Applicants under Rule 65 of the First-tier Tribunal for Scotland Housing and Property Chamber (Rules of Procedure) Amendment Regulations 2017 dated 29 January 2018.

- **Case Management Discussion**

A Case Management Discussion took place on 24 April 2018. Neil Mathieson of TC Young LLP appeared on behalf of the Applicants, and the Respondent appeared personally.

The Applicants moved their application and sought an order for repossession. The Tribunal was advised that a Form AT6 under section 19 of the Housing (Scotland) Act 1988 had been served on the Respondent on 28 November 2017. At the time of service, the rent arrears stood at £1887.50, with a monthly rental due of £475. At the date of the Case Management Discussion, the arrears stood at £4,277.50. The Applicants submitted that the arrears were of a level higher

than the equivalent of three months' rent at the date of both the service of the AT6 and at the date of the Case Management Discussion. On that basis, they submitted that they were entitled to their order under section 18 of the Housing (Scotland) Act 1988. The AT6 sought to rely on grounds 8, 11 and 12 under the said Act with Ground 8 being a mandatory ground where at least three months' rent was due.

The Respondent agreed that the arrears were currently £4,277.50. He confirmed that he was aware that the Applicants were entitled to seek the order. He did not present any defence to the Tribunal other than to submit that he had made some attempts in the past to enter into a payment arrangement, which he submitted had been refused by the Applicants.

- Findings in Fact

The arrears at the time of serving the AT6 on the Respondent were £1887.50.

The arrears at the date of the Case Management Discussion were £4,277.50.

The Respondent had paid nothing to the Applicants since a payment of £500 on 25 November 2017.

The Respondent is in arrears of more than the equivalent of three months' rent at both the date of service of the AT6 and at the date of the Case Management Discussion.

- Reasons for Decision

The Respondent put forward no defence to the Application. The Respondent agreed that he was in arrears of more than the equivalent of three months' rent at both the date of service of the AT6 and at the date of the Case Management Discussion.

- Decision

The Tribunal granted an order for repossession under section 18 of the Housing (Scotland) Act 1988.

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

Date

29/4/18