



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 18(1) of the Housing
(Scotland) Act 1988 (Act)**

Chamber Ref: FTS/HPC/EV/19/0024

Re: Property at 9 Tranent Walk, Dundee, DD4 0XW (“the Property”)

Parties:

Mr Mohammad Haneef, 15 Inverary Terrace, Dundee, DD3 6BS (“the Applicant”)

Ms Katarzyna Park, 9 Tranent Walk, Dundee, DD4 0XW (“the Respondent”)

Tribunal Members:

Alan Strain (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the order for recovery of possession/eviction be granted.

Background

This is an application in terms of section 18(1) of the Act and Rule 65 of the Procedure Rules. The Grounds for possession/eviction are stated to be 8,11 and 12 of Schedule 5 to the Act.

The following documents were lodged with the application:

1. Application received 7 January 2019;
2. Tenancy Agreement commencing 1 February 2017;
3. Rent Statement as at 31 January 2019;
4. AT6 served by Sheriff Officers on 19 December 2018;
5. Section 11 Notice.

Case Management Discussion (CMD)

The case called for a CMD on 13 March 2019. The Applicant appeared and was represented. There was no appearance by the Respondent.

The Tribunal was satisfied that the Respondent had been served with notification of the CMD and that the Tribunal could determine the matter in her absence if it had sufficient information and it was fair to do so.

The Tribunal considered the documentation and made the following findings in fact:

1. The Parties entered in to a Tenancy Agreement for the Property commencing 1 February 2017;
2. The monthly rent was £675;
3. As at the date of serving the AT6 the amount of rent arrears was in excess of 3 months;
4. As at the date of the CMD the amount of rent arrears was in excess of 3 months;
5. The elements of Ground 8 to Schedule 5 of the Act were made out;
6. There was no failure or delay to pay any relevant benefit in respect of the rent arrears.

The terms of Ground 8 to Schedule 5 of the Act having been made out the Tribunal considered that it had sufficient information upon which to make a decision and it was fair to do so.

The Tribunal granted the order for recovery of possession and eviction.

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.

Alan Strain

Legal Member/Chair

13 March 2019
Date