

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/19/0546

Re: Property at 80 Carlibar Ave, Glasgow, G13 4AW (“the Property”)

Parties:

Mr Justin Parsons, Mrs Alison Parsons, 104 Essex Dr, Glasgow, G14 9LX (“the Applicant”)

Miss Arlene Milligan, 80 Carlibar Ave, Glasgow, G13 4AW (“the Respondent”)

Tribunal Members:

George Clark (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application should be decided without a hearing and made an Order for Possession of the Property.

Background

By application, received by the Tribunal on 19 February 2019, the Applicant sought an Order for Possession under Section 18 and Ground 8 of Part I of Schedule 5 to the Housing (Scotland) Act 1988 (“the 1988 Act”).

The application was accompanied by copies of (i) a Short Assured Tenancy Agreement between the parties, commencing on 24 August 2014 at a rent of £650 per month, (ii) a Form AT6 Notice, dated 27 August 2018, stating that the rent was £4,164 in arrears and that proceedings on Grounds 8, 11 and 12 of Part I of Schedule 5 to the 1988 Act would not be raised before 12 September 2018, (iii) a certificate of service of the Form AT6 Notice by sheriff officer on 28 August 2018 and (iv) a rent statement showing arrears as at 25 May 2018 of £2,253, with a handwritten note stating that the arrears as at February 2019 were £2,496.

On 18 March 2019, the Applicant advised the Tribunal that a letter from housing benefit (sic) dated 13 March 2019 stated that no rent (sic) was being paid from that date. The Applicant said that this would add further to the arrears.

On 8 April 2019, the Tribunal advised the parties of the date, time and venue for a Case management Discussion and the Respondent was invited to make written representations by 24 April 2019.

The Respondent did not make any written representations to the Tribunal.

Case Management Discussion

A Case Management Discussion was held at Glasgow Tribunals Centre on the morning of 29 April 2019. The Applicant and the Respondent were both present. The Applicant advised the Tribunal that the arrears of rent now stood at 5 months and asked the Tribunal to grant an Order for Possession under Ground 8 of Part 1 of Schedule 5 to the 1988 Act without a hearing.

The Respondent accepted that the rent was 5 months in arrears.

Reasons for Decision

Rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 provides that the Tribunal may at a case management discussion do anything which it may do at a hearing, including making a decision.

The Tribunal was satisfied that it had before it all the information and documentation it required and that it would determine the application without a hearing.

Section 18 of the 1988 Act states that, if the Tribunal is satisfied that any of the grounds in Part I of Schedule 5 to the Act is established, then it shall make an Order for Possession.

Ground 8 of Part I of Schedule 5 to the Act applies where both at the date of service of the AT6 Notice and at the date of the hearing, at least three months' rent lawfully due from the tenant is in arrears.

The Tribunal was satisfied that, both at 28 August 2018, the date on which the Form AT6 Notice was served, and at the date of the Case Management Discussion, the arrears of rent lawfully due by the Respondent to the Applicant exceeded three months. Accordingly, the requirements of Ground 8 had been met and the Tribunal was bound to grant an Order for Possession.

Decision

The tribunal determined that the application should be decided without a hearing and made an Order 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.

G Clark

Legal Member/Chair

29 April 2019
Date