



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/18/1373

Re: Property at 117 Kingsheath Avenue, Glasgow, G73 2DF (“the Property”)

Parties:

Mr John Hornell, Suite 387, 111 West George Street, Glasgow, G2 1QX (“the Applicant”)

Miss Ainsley Murray, 117 Kingsheath Avenue, Glasgow, G73 2DF (“the Respondent”)

Tribunal Members:

Nairn Young (Legal Member) and Linda Reid (Ordinary Member)

Decision (in absence of the Respondent)

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

- Background

This is an application for recovery of possession of the Property, which is let to the Respondent by the Applicant in terms of a short assured tenancy. It called for a hearing on 1 October 2018 at 2pm. The Applicant was represented by his wife, Mrs Alexandra Hornell, but was not present in person. The Respondent was not present or represented.

- Findings in Fact

1. The Property was let to the Respondent by the Applicant in terms of a short assured tenancy dated 19 May 2014 (‘the Lease’). The initial term of the Lease was from 3 June 2014 until 2 June 2015, continuing on a month-to-month basis thereafter. The rent was fixed at £500 per calendar month.

2. The Respondent has never paid the full rent due in any month. The Applicant served a notice in terms of s.19 of the Housing (Scotland) Act 1988 ('the Act') in form AT6 on 26 April 2018, indicating that he intended to recover possession of the Property on grounds 8, 11 and 12 of Schedule 5 to the Act. At that time more than 3 months rent was lawfully due from the Respondent. There has been no payment since. Accordingly, there was also more than three months rent lawfully due from the Respondent at the time of the hearing. The outstanding rent is not due to a failure or delay in the payment of a relevant benefit or universal credit.

- Reasons for Decision

3. Ground 8 of Schedule 5 to the Act having been established, the Tribunal must grant an order for possession.

- Decision

Order for possession of the Property granted.

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.

Nairn Young

Legal Member/Chair

1 OCTOBER 2018

Date