

Housing and Property Chamber
First-tier Tribunal for Scotland



Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 16 of the Housing (Scotland) Act 1988

Chamber Ref: FTS/HPC/CV/18/2655

Re: Property at 24 Mossgiel Road, Ayr, KA7 3DL (“the Property”)

Parties:

Places for People Homes Limited, c/o Touchstone, 2 Crescent Office Park, Clarks Way, Bath, BA2 2AF (“the Applicants”)

Ms Rachel Stafford, 24 Mossgiel Road, Ayr, KA7 3DL (“the Respondent”)

Tribunal Members:

Lesley Dowdalls (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that Grounds 11 and 12 in Schedule 5 to the Housing (Scotland) Act 1988 were met, and accordingly granted an order for eviction and possession of the property at 24 Mossgiel Road, Ayr, KA7 3DL.

The Respondent did not attend today and made no written representations. She had received notification of today’s hearing by sheriff officers on 14th November 2018. Execution of service is produced herewith.

The Applicants were not in attendance today but were represented by Mr Slack, Trainee Solicitor, who moved the tribunal to grant the application in the absence of the Respondent or any representation on her behalf.

The Applicants relied upon the following documents, all of which were lodged with the application and which were not challenged:

1. Tenancy Agreement dated 20th September 2012
2. Letter to Respondent with Notice to Quit, Form AT6 and Sheriff Officers execution of service dated 17th September 2018
3. Rent Statement as at 3rd October 2018
4. Notice under s11 dated 4th October 2018

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Findings in Fact

Grounds 11 and 12 are met in respect of this application.

In respect of Ground 11, the Respondent has persistently delayed to make payment of rent due, as evidenced by the statement of rent produced.

In respect of Ground 12, some rent lawfully due by the Respondent is unpaid on the date on which the proceedings for possession were begun (4th October 2018) and payment was in arrears at the date of service of the notice to quit, being 17th September 2018, all as detailed in rent schedule produced with application and intimated to the Respondent.

Accordingly, the tribunal considered whether it was reasonable in the circumstances to grant the application. In the absence of any explanation from the Respondent, and in view of the history of rental arrears, the tribunal concluded that it was reasonable to grant the order sought today.

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.

Since an appeal is only able to be made on a point of law, a party who intends to appeal the tribunal's decision may wish to request a Statement of Reasons for the decision to enable them to identify the point of law on which they wish to appeal. A party may make a request of the First-tier Tribunal for Scotland (Housing and Property Chamber) to provide written reasons for their decision within 14 days of the date of issue of this decision.

Where a Statement of Reasons is provided by the tribunal after such a request, the 30 day period for receipt of an application for permission to appeal begins on the date the Statement of Reasons is sent to them.

Lesley Dowdalls

Legal Member/Chair

4/12/18

Date