



**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/18/2749**

**Re: Property at 117 Cambusnethan Street, Wishaw, ML2 8NN (“the Property”)**

**Parties:**

**AS Properties Scotland LTD, 7 Chapmans Court, Wishaw, ML2 7PQ (“the Applicant”)**

**Ms Leah Beth MacTaggart, 117 Cambusnethan Street, Wishaw, ML2 8NN (“the Respondent”)**

**Tribunal Members:**

**Alison Kelly (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 eviction should be granted.**

**Background**

An application was lodged by the Applicant seeking eviction of the Respondent from the Property, under Rule 65 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the Rules”).

Along with the Application the Applicant lodged:

1. Copy Tenancy Agreement
2. Copy AT6
3. Execution of Service
4. Copy rent Statement
5. Copy section 11 Notice

**The Case Management Discussion**

The Applicant was represented by Kirsty Morrison of TC Young, Solicitors. The Respondent did not appear and was not represented.

Miss Morrison asked the Tribunal to grant the order. She stated that the Tenancy Agreement had been entered in to on 28<sup>th</sup> February 2017. The Respondent was obliged to pay rent in the amount of £325 per month. At the date of service of the AT6 the arrears were £2400. At the date of the Case Management Discussion, today, the arrears were £3925. There had been sporadic payments from the Respondent in the last year. The Applicant did not have any information in relation to whether or not the Respondent had applied for benefits. She submitted that the criteria laid down in Grounds 8, 11 and 12 of Part 1 of Schedule 5 to the Housing (Scotland) Act 1988 had been met.

### Findings In Fact

1. The Applicant and Respondent entered in to a Tenancy Agreement dated 28<sup>th</sup> February 2017 for the Property.
2. The Respondent was obliged to pay rent at the rate of £325 per calendar month.
3. Notices in terms of the 1988 Act had been correctly served.
4. At the date of service of the AT6, 20<sup>th</sup> April 2018, the arrears stood at £2400, which amounts to more than 3 months' rent.
5. At the date of the Case Management Discussion the arrears stood at £3925, which amounts to more than 3 months' rent.

### Reasons For Decision

The Applicant has established that the criteria to establish Grounds 8, 11 and 12 of Part 1 of Schedule 5 to the Housing (Scotland) Act 1988 have been met.

### 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.**

A Kelly

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Legal Member/Chair

J

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Date

10/12/18