



**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/18/0580

**Re: Property at 10 Old Denny Road, Larbert, Stirlingshire, FK5 4SE (“the
Property”)**

Parties:

**Mr David Stevenson, Mrs Dumps Stevenson, Riverbank House, Denny,
Stirlingshire, FK6 6BL (“the Applicants”)**

**Mrs Wendy Anderson, 10 Old Denny Road, Larbert, Stirlingshire, FK5 4SE (“the
Respondent”)**

Tribunal Member:

Joseph C Hughes (Legal Member)

Decision

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

BACKGROUND

1. The Landlord, Mrs Dumps Stevenson (‘the Applicant’) attended the Case Management Discussion. Mr Stevenson, her husband, was not in attendance.
2. The Tenant, Mrs Wendy Anderson (‘the Respondent’) attended the Case Management Discussion.
3. Mrs Stevenson sought to lodge on the morning of the Discussion an up to date print out of the Rental payments received. The Respondent was provided with a copy of the print out. She indicated that she was content to allow the print out to be lodged late. The Legal Member permitted the print out to be lodged late.
4. The Respondent has been a tenant since 13th September 2015. The print out lodged by the Respondent shows the arrears since that time.

5. The Respondent fully accepted that she continued to be in arrears of her rent. She did not seek to argue, in any material way, the information recorded within the print out. She confirmed that a further £40 had been paid since the last noted payment of 31st May 2018.
6. The balance currently outstanding is approximately £3670. The Respondent fully accepted this and apologised to the Applicant for the arrears. The Tribunal notes the personal circumstances of the Respondent, including her husband's recent full time employment as a sign maker. The Tribunal noted the health conditions of the Respondent's two young daughters.
7. The Legal Member explained to the Respondent the impact of the accepted arrears. The Legal Member further explained the powers of the tribunal in the event it was satisfied there was a mandatory ground.

FINDINGS IN FACT

8. The tribunal made the following findings in fact:-
 - (a) The Applicant is the Landlord of the Property. The Respondent is the tenant and there is a lease between the parties for the Property;
 - (b) The Respondent has fallen into arrears of rent. As at the date of today's Case Management Discussion, the approximate arrears amount to £3670. The Respondent did not seek to challenge the amount of arrears in any material way. She is currently paying £40 per week towards the accepted arrears;
 - (c) The current level of arrears as at today's date is in excess of three months. The rent is payable at £560 per calendar month in advance;
 - (d) The tenant is in arrears equivalent to an amount equal to or greater than one month arrears as at today's date;
 - (e) There has been arrears for a continuous period of up to three or more consecutive months as at today's date;
 - (f) The accepted arrears are not wholly or partly due to delay or failure of payment of relevant benefit;
 - (g) Rent lawfully due from the Respondent was unpaid as at the date on which the proceedings had begun and was in significant arrears at the date when the Respondent received Notice under Section 19 Housing (Scotland) Act 1988 [see Form AT6] dated 15th February 2018;
 - (h) Falkirk Council has been previously issued with a Section 11 Notice by the Landlord of these Proceedings for Possession;
 - (i) The Respondent has persistently delayed paying rent which has become lawfully due; and
 - (j) It is reasonable in all the circumstances to grant an Order for possession.

REASONS FOR DECISION

9. The Respondent did not dispute the arrears presented by the Landlord. Arrears have been in place for a long time and the Tribunal was satisfied that Grounds 8, 11 and 12 are established.
10. Ground 8 is a mandatory ground of eviction, unless the Tribunal is satisfied that the rent is in arrears due to any delay or failure in the payment of relevant housing benefit or universal credit. The Tribunal was not so satisfied and, accordingly, the mandatory ground of eviction was satisfied.

11. Grounds 11 and 12 are discretionary grounds of eviction. The Tribunal had regard to the significant level of arrears, the period of the arrears and the persistence of the arrears, that it was appropriate that an Order be granted.
12. It is reasonable in all the circumstances that an Order for possession be granted.

DECISION

The Tribunal granted an Order against the Respondent, Mrs Wendy Anderson, for possession of the Property.

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.

'Joseph C Hughes'

Legal Member/Chair

7th June 2018

Date