



**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/18/1528**

**Re: Property at Flat 2/1, 8 South Scott Street, Baillieston, Glasgow, G69 7JA  
("the Property")**

**Parties:**

**Gallery Homes Ltd, 357 Victoria Road, Glasgow, G42 8YZ ("the Applicant")**

**Mr Euan James Barr, Ms Kelly Frances Crichton, Flat 2/1, 8 South Scott Street,  
Baillieston, Glasgow, G69 7JA ("the Respondents")**

**Tribunal Members:**

**Nairn Young (Legal Member)  
Colin Campbell (Ordinary Member)**

**Decision (in absence of the Respondents)**

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

- Background

This is an application for an order for possession on the basis of rent allegedly owed by the Respondents in relation to the Property. It called for a hearing at 2pm on 13 September 2018. The Applicant was represented by Mr McDermott of Friels Solicitors. The Respondents were not present or represented.

- Findings in Fact

1. The Property was let to the Respondents in terms of a short assured tenancy dated 27 June 2016 and commencing on that date. In terms of that tenancy, rent of £500 was due on the twenty-seventh of each month. The Respondents failed to make any payment on 27 July 2016 and have made no payment since. As at 27 April 2018, £11,000 was outstanding.

2. The Applicant served a notice to quit on the Respondents on 1 October 2016. The short assured tenancy accordingly became a statutory assured tenancy at the ish date on 26 December 2016.
3. The Applicant served forms AT6 on each of the Respondents on 15 February 2018. In Part 2 of both forms, the ground stated as being the basis for the intended application for possession of the Property is, "Grounds 8 [sic]." In Part 3 of both forms, the Applicant made no reference to rent arrears and gave no particulars in relation the ground relied upon. No such particulars appear anywhere else on the form

- Reasons for Decision

So far as relevant, section 19(2) of the Housing (Scotland) Act 1988 states, "The First-tier Tribunal shall not make an order for possession on any of the grounds in Schedule 5 to this Act unless that ground and particulars of it are specified in the notice under this section ...". The forms AT6 served on the Respondents in pursuance of section 19 of the Act did not comply with this requirement, in that they did not specify particulars of the ground relied on. The application therefore falls to be dismissed.

- Decision

Application dismissed.

### **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**

13 SEPTEMBER 2018  
**Date**