

Housing and Property Chamber
First-tier Tribunal for Scotland



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 33 of the Housing (Scotland)
Act 1988**

Chamber Ref: FTS/HPC/EV/18/1635

Re: Property at 19 Cadzow Bridge Square, Hamilton, ML3 7GZ (“the Property”)

Parties:

Clyde Valley Property Services, 50 Scott Street, Motherwell, ML1 1PN (“the Applicant”)

Mr Colin Cook, 19 Cadzow Bridge Square, Hamilton, ML3 7GZ (“the Respondent”)

Tribunal Members:

Colin Dunipace (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Order sought by the Applicant should be granted without the necessity of a formal Hearing.

- The Applicant had raised an action for eviction in terms of the foregoing Act . The tenancy was a Short Assured Tenancy having been entered into on 22 January 2015. The Applicant served a Notice to Quit upon the Respondent on 16 February 2018 giving notice that the Respondent required to remove from the property on 31 May 2018. A Notice was also served on the Respondent on the same date under Section 33(1)(d) of the Housing (Scotland) Act 1988 stating that the Applicants required the possession of the property as at 31 May 2018. The aforementioned Short Assured Tenancy accordingly reached its end as at 31 May 2018.
- The matter called before me as a Case Management Discussion on 10 September 2018. At that time the MS Carol Sanderson was in attendance for the Applicants were also represented by Ms Irvine of Messrs BTO Solicitors. The Respondent was not present at this Discussion. I was advised by the Applicant that there had been minimal contact received from the Respondent,

and that he remained in the property at the present time. I was satisfied that lawful service had been effected upon the Respondent. At that time the Applicants moved for the Order to be granted, stating that they had complied with the requirements of Section 33(1)(d) of the Housing (Scotland) Act 1988.

- Having heard from the Applicant and her representative I was satisfied that the Applicant's had satisfied the terms of Section 33(1)(d) of the Housing (Scotland) Act 1988, and that as no substantive matters had been raised by the Respondent, I determined that the Order should be made forthwith.

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.

Colin Dunipace

Legal member/Chair

10/9/18

Date