



**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/CV/18/1636

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 payment in terms of the Tenancy Agreement in respect of which the Respondent had undertaken to pay rent to the Applicants at the rate of £400 per calendar month. The Applicants stated that the Respondent had fallen into arrears on rent and that the outstanding balance was in the sum of £3500.64.
- 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 on 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 considered matters further I was satisfied that the Respondent had not provided any form of defence in relation to the Application. The Respondent had accrued the arrears referred to and had not made timeous payment of these. There had been minimal contact to address the issue and the Respondent did not attend at the Case management Discussion. In these circumstances I determined that it would be appropriate to make the Order as sought by the Applicants.

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

10/9/18

Date