



**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 (“the Act”)**

Chamber Ref: FTS/HPC/EV/19/1072

**Re: ~~Property at 7 Elizabeth Wynd, Hamilton, Lanarkshire, ML3 7AF (“the
Property”)~~**

Parties:

**D Paterson Properties Ltd, Unit 30 Block 6, Chapelhall Industrial Estate,
Chapelhall, ML6 8QH (“the Applicant”) per their agent, Mr. Alastair Buttery,
solicitor, of Messrs. Freelands, solicitors, 36 Muir Street, Motherwell ML1 1BW
 (“the Applicant’s Agent”)**

**Ms Chinyere Igwe, 7 Elizabeth Wynd, Hamilton, Lanarkshire, ML3 7AF (“the
Respondent”)**

Tribunal Members:

Karen Moore (Legal Member)

Decision (in absence of the Respondent)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that an Order for Possession be granted.**

Background

1. By application received on 8 April 2019 (“the Application”), the Applicant’s Agent, on behalf of the Applicant, made an application to the Tribunal for a possession order in terms of Section 18 of the Act and in terms of Rule 65 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”). A copy of the tenancy agreement between the parties, Notice under Section 19 of the Act commonly known as Form AT6, rent statement showing rent of £3,683.30 being due and owing by the Respondent to the Applicant, a copy of a Notice to Quit and a copy of notice in terms of Section 19A of the Act to South Lanarkshire Council, all with proof of service or intimation were lodged as part of the Application.

2. On 25 April 2019, a legal member of the Tribunal with delegated powers of the Chamber President accepted the Application and a Case Management Discussion (“CMD”) was fixed for 17 June 2019 at 14.00 at the Glasgow Tribunals Centre, Room 109, 20 York Street, Glasgow, G2 8GT and postponed at the request of the Applicant to 10 July 2019 at 14.00 at Room 108 of the said Glasgow Tribunals Centre. The CMD was intimated to both parties.
1. The Respondent made no written representations to the Tribunal in respect of the Application.

Case Management Discussion

2. The CMD took place on 10 July 2019 at 14.00 at 10.00 at the said Glasgow Tribunals Centre. Mr. David Paterson of the Applicant was present and was represented by the Applicant's Agent who confirmed the Order sought as set out in the Application and who confirmed that neither rent nor housing benefit had been received since the Application was lodged and that no housing benefit is currently due.
3. The Respondent was not present and was not represented.

Findings in Fact

4. From the Application and the CMD, I found that a tenancy agreement had existed between the Parties with a monthly rent of £395.00 and that rent of £3,683.30 is due and owing by the Respondent to the Applicant. I found that this amount is greater than three months arrears at the date of the CMD, that the rent statement shows persistent delayed payment of rent and that some rent lawfully due is unpaid. Accordingly, I found that Grounds 8, 11 and 12 of Schedule 5 to the Act had been satisfied. I found that all statutory notices in terms of the Act had been properly intimated.

Decision and Reasons for Decision

5. Having found that the correct statutory procedure had been followed and that Grounds 8, 11 and 12 of Schedule 5 to the Act had been satisfied, I had regard to Section 18 of the Act. In particular, I had regard to Sections 18 (3) and 18(3A) of the Act which allow that, if Ground 8 of Schedule 5 to the Act is satisfied and that there is no delay or failure in payment of a relevant benefit, “the First-tier Tribunal shall make an order”, and, to Rule 17(4) of the Rules which state that the Tribunal “may do anything at a case management discussion which it may do at a hearing, including make a decision”. Accordingly, I determined to grant an Order for possession.

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.

[Redacted Signature]

Legal Member/Chair

10 July 2019

Date