

**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 16 of the Housing (Scotland) Act 2014 and Rule 70 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017.**

**Chamber Ref: FTS/HPC/CV/18/1157**

**Re: Property at 11 Shaw Drive, Hamilton, ML3 9GE (“the Property”)**

**Parties:**

**Haig Housing Trust, Alban Dobson House, Green Lane, Morden, SM4 5NS (“the Applicant”)**

**Mr Mark Simpson, 11 Shaw Drive, Hamilton, ML3 9GE (“the Respondent”)**

**Tribunal Member:**

**George Clark (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to decide the application without a hearing and made an Order for payment by the Respondent to the Applicant of the sum of One Thousand Eight Hundred Pounds (£1,800).**

**Reasons for the Decision**

By application received on 14 May 2018, the Applicant requested an Order from the Tribunal for payment by the Respondent to the Applicant of the sum of £1,800.

The application was accompanied by a Rent Statement from the Applicant, showing arrears of rent of £1,800 as at 24 April 2018 and that no rental payments had been made since 30 November 2017.

The application was also accompanied by a copy of a Short Assured Tenancy Agreement for the Property, commencing on 17 December 2016 at a rental of £75 per week.

The parties were advised by letter dated 29 June 2018 that a Case Management Discussion would be held at Glasgow Tribunals Centre, 20 York Street, Glasgow G2 8GT on the morning of 6 August 2018 and the Respondent was invited to make written representations in response to the application by 23 July 2018.

The Respondent made no written representations to the Tribunal.

At the Case Management Discussion, the Applicant was represented by Nicola Caldwell of T C Young, solicitors, 7 West George Street, Glasgow. The Respondent was neither present nor represented at the Case Management Discussion.

The Applicant's representative advised the Tribunal that the rent arrears were now £2,850, no rental payments having been made since the date of the application, but that her clients were not seeking to amend the application to request an Order for a higher sum. She asked the Tribunal to exercise its right to make a decision at the Case Management Discussion, rather than setting a date for a hearing.

Rule 17(4) of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 provides that "The First-tier Tribunal may do anything at a case management discussion which it may do at a hearing, including making a decision."

The Tribunal was satisfied that it had before it all the information that it required to make a decision on the application and that a hearing was not required, as the Respondent had not made any written representations and was not present or represented at the Case Management Discussion.

### 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**

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George Clark

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**Legal Member**

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**Date**

6 August 2018