



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 18(1) of the Housing
(Scotland) Act 1988**

Chamber Ref: FTS/HPC/EV/18/0170

Re: Property at Flat 124 Cadzow Street, Hamilton, ML3 6HP (“the Property”)

Parties:

**PLACES FOR PEOPLE HOMES LIMITED, c/o Touchstone, 2 Crescent Office
Park, Clarks Way, Bath, BA2 2AF (“the Applicant”)**

**Mr Alan Cochrane, Mr James Cochrane, Flat 124 Cadzow Street, Hamilton, ML3
6HP (“the Respondent”)**

Tribunal Members:

Lesley-Ann Mulholland (Legal Member)

Decision (in absence of the Respondent)

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

- 1. The application for an order for possession is refused. This is because the Respondents vacated the premises at Flat 124 Cadzow Street, Hamilton, ML3 6HP on 23 April 2017, returned the keys and surrendered the tenancy.**
- 2. The Respondents have not made any contact with the First-tier Tribunal and failed to appear without excuse. I am satisfied that the Respondents have been properly notified of today’s Case Management Review Hearing.**
- 3. I am satisfied, having closely examined the payment schedule, that the Respondents failed to make payment of rent in December 2015. Payment was later made however the Respondents accrued further rent arrears from around August 2017 amounting to £2060 as at 13 February 2018. The last payment of rent was made in November 2017. I am satisfied that on the date on which proceedings for possession began, the**

Respondents had persistently delayed paying rent which was lawfully due and that some rent lawfully due was unpaid and was in arrears in the sum of £2060 as at 13 February 2018. Nevertheless I am satisfied that the Respondents have not remained in possession of the property. Accordingly an order for possession is refused.

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.

Lesley-Ann Mulholland

Legal Member/Chair

Date

27.4.18