



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/18/1549

Re: Property at 27 Fintry (otherwise Fintrie) Terrace, Hamilton, ML3 9QT (“the Property”)

Parties:

Mr Ian McMaster having an address care of Unit 23 Ladywell Business Centre, 94 Duke Street, Glasgow, G4 0UW (“the Applicant”) per his agents, Smart Move Estate Agents, Ladywell Business Centre, 94, Duke Street, Glasgow G4 0UW (“the Applicant’s Agents”)

Miss Mihaela Turcitu, 27 Fintry (otherwise Fintrie) Terrace, Hamilton, ML3 9QT (“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 the Order be granted.

Background.

1. The Applicant’s Agents on behalf of the Applicant lodged an application with the Tribunal on 21 June 2018 (“the Application”) for an order in terms of Rule 65 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the Rules”). Said Application comprised a copy of the short assured tenancy agreement between the parties, Notice of Intention to Raise Proceedings, commonly known as Form AT6, evidence of rent arrears in respect of the Form AT6, Notice to Quit and Section 11 Notice to the relevant local authority in terms of the Homelessness Etc (Scotland) Act 2003 together with proof of service.
2. On 5 July 2018, a legal member of the Tribunal with delegated powers of the Chamber President considered the Application, and, having found no grounds for rejection in terms of Rule 8 of the Rules, accepted the Application.

Thereafter, a Case Management Discussion (CMD) was fixed for 3 October 2018 at 14.00 at the Glasgow Tribunal Centre, 20 York Street, Glasgow, G2 8GT and was intimated to the parties.

Case Management Discussion, Decision and Reason for Decision.

3. The CMD took place on 3 October 2018 at 14.00. The Applicant was represented by Mr. George Reynolds of the Applicant's Agents. The Respondent did not appear and was not represented.
4. Neither the Applicant nor the Respondent submitted written representations. Mr Reynolds advised that the rent account remained in arrears.
5. Having regard to Rule 17(4) of the Rules which states that "The First-tier Tribunal may do anything at a case management discussion which it may do at a hearing, including making a decision" and being satisfied that the statutory requirements of the Act had been complied with and in the absence of any representations to the contrary by or on behalf of the Respondent, I granted the Order as sought in the Application.

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.

Karen Moore
Legal Member/Chair

3 October 2018
Date