



**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/EV/20/0761**

**Re: Property at Flat 3, 1B Blantyre Mill Road, Bothwell, G71 8EP (“the Property”)**

**Parties:**

**Denholm Agencies, c/o 26 Cadzow Street, Hamilton, ML3 6DG (“the Applicant”)**

**Mr Mark Joseph Flynn, Flat 3, 1B Blantyre Mill Road, Bothwell, G71 8EP (“the Respondent”)**

**Tribunal Members:**

**Nairn Young (Legal Member)**

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

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

- Background

This is an application for an order for possession of the Property, which is occupied by the Respondent in terms of a short assured tenancy agreement with the Applicant. It called for a case management discussion at 2pm on 11 August 2020, by teleconference. The Applicant was represented on the call by Ms Joanne Smith of Excel Letting Ltd. The Respondent did not call in to the teleconference and was not represented. An extra 10 minutes (to 2:10pm) was allowed for him to call in before the case management discussion commenced, but he did not do so.

- Findings in Fact

1. The Respondent lets the Property from the Applicant in terms of a short assured tenancy agreement, commencing 28 March 2013 and with an initial

term running to 29 September 2013, inclusive. In terms of that agreement, the tenancy ran thereafter on a month to month basis, until formally terminated.

2. On 18 December 2019, the Applicant served a notice to quit on the Respondent, bringing the tenancy to an end on 29 February 2020. A notice stating that the Applicant required possession of the Property on 29 February 2020 accompanied it.

- Reasons for Decision

3. The Respondent's short assured tenancy has reached its end. Tacit relocation is not operating. The notice required by s.33(1)(d) of the Housing (Scotland) Act 1988 has been served on the Respondent by the Applicant. Accordingly, the Tribunal must grant the order for possession.

- Decision

Order for possession granted.

### **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.**

**N. Y**

**11 August 2020**

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**Legal Member/Chair**

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**Date**