



**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/19/0956

Re: Property at Flat 1/2, 10 Nithsdale Drive, Glasgow, G41 2PN (“the Property”)

Parties:

Mr Bashir Ahmed, 22 Milnpark Street, Glasgow, G41 1BB (“the Applicant”)

Mrs Shahneela Hussain, Flat 1/2, 10 Nithsdale Drive, Glasgow, G41 2PN (“the Respondent”)

Tribunal Members:

David Preston (Legal Member)

Decision:

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to dismiss the application.

Background:

1. By application dated 26 March 2019 the applicant sought an order for eviction under Section 33 of the Housing (Scotland Act 1988 (“the Act”).
2. Along with the application form the applicant lodged a copy of the tenancy agreement dated 22 March 2015; copy AT5; Notice to Quit; Section 33 Notice; Execution of Service; and Section 11 Notice to Local Authority.
3. By Notice of Acceptance dated 5 April 2019 a legal member of the tribunal with delegated authority so to do accepted the application on behalf of the President and referred the matter to the Case Management Discussion (CMD).
4. The tribunal was provided with a letter from the respondent’s representative to the applicant’s representative dated 21 June 2019.
5. The CMD was held at The Glasgow Tribunal Centre on 3 July 2019 at 14.00.

6. The applicant was represented by Mr Michael, Solicitor, Hardy MacPhail, Solicitors, Glasgow and the respondent was represented by Ms Laura Simpson, Govan Law Centre, Glasgow.

Reasons for Decision:

7. In her letter of 21 June 2019 Ms Simpson pointed out that the purported AT% lodged with the application which was dated 22 March 2015 was not in the prescribed form as required by section 32(2)(a) of the Act. Mr Ritchie conceded the point and sought to make no submissions.
8. Accordingly, the tenancy agreement did not satisfy the requirements for a Short Assured Tenancy and the provisions of section 33 did not apply.
9. The application therefore fell to be dismissed.

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.


Legal member/Chair

3-7-19.

Date