

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 18(1) of the Housing
(Scotland) Act 1988**

Chamber Ref: FTS/HPC/EV/19/1291

**Re: Property at 33 Ronaldsay Place, Cumbernauld, Glasgow, G67 1NP (“the
Property”)**

Parties:

**Mr Christopher Naidoo, C/O 31A North Bridge Street, Bathgate, EH48 4PJ (“the
Applicant”)
Representative Bannatyne Kirkwood France & Co, 16 Royal Exchange Square,
Glasgow, G1 3AG (“the Representative”)**

**Mr Stuart Rice, 33 Ronaldsay Place, Cumbernauld, Glasgow, G67 1NP (“the
Respondent”)**

Tribunal Member:

James Bauld- Legal Member

Decision in absence of the Respondent

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that the order for recovery of possession should be
granted**

Background

1. This is an Application dated 25th April 2019 brought in terms of Rule 66 (Application for order for possession upon termination of a short assured tenancy) of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 as amended (“the 2017 Regulations”).

2. The Applicant provided the Tribunal, in the Application, with copies of the Short Assured Tenancy agreement, Form AT5, Notice to Quit and Section 33 and 11 Notices with relevant Executions of Service. Notice. All of these documents and forms had been correctly and validly prepared in terms of the provisions of the Housing (Scotland) Act 1988 ("the Act"), and the procedures set out in the Act had been correctly followed and applied.
 3. The Respondent had been validly served by Sheriff Officers with the Notification, Application papers and Guidance Notes from the Tribunal on 7th June 2019, and the Execution of Service was produced.
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Case Management Discussion

4. A Case Management Discussion ("CMD") was held on 12th July 2019 at Glasgow Tribunals Centre, 20 York Street, Glasgow. The Applicant was represented by Ms K. Donnelly of Bannatyne Kirkwood France & Co, Solicitors, Glasgow. The Respondent did not appear and was not represented. The Applicant's representative submitted that as the Respondent had been effectively served with all papers in respect of the Application for an order for possession upon termination of a short assured tenancy and had not lodged any representations with the Tribunal, nor attended at the CMD and that the order should be granted.

Statement of Reasons

5. In terms of Section 33 of the Housing (Scotland) Act 1988, the Tribunal shall make an order for possession of the house let on the tenancy if:
 - (a) the short assured tenancy has reached its term;
 - (b) tacit relocation is not operating;
 - (c) no further contractual tenancy (whether a short assured tenancy or not) is for the time being in existence; and
 - (d) the landlord has given to the tenant notice stating that he requires possession of the house.
6. All of the above criteria have been satisfied in this Application, and accordingly the Tribunal shall make an order for possession.

Decision

7. In the circumstances, the Tribunal make an order for possession of the Property as sought in this 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.

Gerald McWilliams

12th July 2019

Date