



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 33 of the Housing (Scotland) 1988 (“the Act”).

Chamber Ref: FTS/HPC/EV/19/3719

Re: Property at Flat 2/1 87 Causeyside Street, Paisley, PA1 1TU (“the Property”)

Parties:

Mr Nigel Tickell, 3/2 22 McLennan Street, Glasgow, G42 9DQ per Ms Laura Brennan, Solicitor, Gilson Gray 29 Rutland Square, Edinburgh EH1 2BW (“the Applicant”)

Ms Jennifer Stirling, 2/1 87 Causeyside Street, Paisley, PA1 1TU per Ms Gabriells Reilly, Solicitor, MSM, 51 Moss Street, Paisley PA1 1DR (“the Respondent”)

Tribunal Members:

David Preston (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 eviction and recovery of possession be granted.

Background:

This is an application for eviction and recovery of possession following upon the termination of a Short Assured Tenancy (SAT) in terms of section 33 of the Act and Rule 66 of the Tribunal Procedure Rules.

The Tribunal had regard to the following documents:

1. Application dated 19 November 2019;
2. SAT dated 17 May 2015;
3. AT5 dated 12 May 2015;
4. Section 33 Notice dated 11 September 2019;
5. Notice to Quit;
6. Sheriff Officer Certificate of Service of Notice to Quit and Section 33 Notice dated 12 September 2019;

7. Notice to Local Authority under Section 11 of the Homelessness etc (Scotland) Act 2003.
8. Emails from respondent's solicitors dated 30 January and 4 March 2020

Case Management Discussion (CMD)

The case called for a CMD on 5 March 2020. Ms Brennan appeared on behalf of the applicant. The respondent neither attended nor was represented. The email from Ms Reilly dated 4 March 2020 stated that the respondent no longer wished to defend the application and consented to an order for eviction being granted against her. It also asked the applicant's solicitor to pass a copy of the email to the tribunal at the CMD.

The Applicant's position was that the Tribunal should grant the order sought as the paperwork was in order and the requirements of section 33 satisfied.

The Tribunal considered the documents and what had been said. The Tribunal made the following findings in fact:

1. The Parties entered into the SAT commencing 15 May 2015;
2. Notice to Quit and Section 33 Notice had been validly served on 12 September 2019;
3. The SAT had been terminated on 13 November 2019;
4. Tacit relocation was no longer operating;
5. Section 11 notification had been given to the local authority; and
6. The Respondent remained in occupation of the Property.

The Tribunal considered the requirements of section 33 and was satisfied that they were met. The Tribunal considered that it had sufficient information to make a decision at this stage and that the procedure was fair.

The Tribunal granted the order for eviction and recovery of possession as sought.

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.

David Preston

Legal Member/Chair

5/3/2020

Date