



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/19/0713

Re: Property at Flat 1/1 1955 Dumbarton Road, Glasgow, G14 0JA (“the Property”)

Parties:

Ms Anna Williamson, 187 Ashburton Triangle, London, N5 1GE (“the Applicant”)

Ms Stephanie Johnston, Flat 1/1 1955 Dumbarton Road, Glasgow, G14 0JA (“the Respondent”)

Tribunal Members:

Lesley Ward (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for possession of the property at 1/1 1955 Dumbarton Road Glasgow G14 0JA be granted in terms of s33 of the Housing (Scotland) Act 1988.

This is a case management discussion ‘CMD’ in connection with an application in terms of rule 66 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Rules 2017, ‘the rules’ and s33 of the Housing (Scotland) Act 1988, ‘the Act’. The tribunal had before it the following copy documents:

1. Application.
2. Short assured tenancy agreement dated 12 March 2014 for the initial period of 14 March 2014 until 14 September 2014 and month to month thereafter
3. AT5.
4. Notice to quit dated 7 December 2018 with ish of 14 February 2019.
5. s33 notice dated 7 December 2018 with ish of 14 February 2019.
6. s11 notice.

7. Proof of posting of 4 and 5 dated 7 December 2018.
8. Proof of delivery of 4 and 5 dated 12 December 2018.
9. Mandate executed by applicant.
10. Land certificate.

The applicant was represented by Ms Anne Boyle of Express Homes. The respondent did not attend and was not represented. The tribunal had sight of the sheriff officer's execution of service of the application and CMD details on the respondent personally on 18 April 2019. The tribunal was satisfied that the respondent had received appropriate notice in terms of rule 24. The tribunal proceeded with the CMD in terms of rule 29.

Findings in fact

1. The applicant is the owner of the property.
2. The parties entered into a short assured tenancy for let of the property on 13 March 2014 for the initial period of 14 March 2014 until 14 September 2014 and month to month thereafter.
3. The applicant served a valid notice to quit and s33 notice on 7 December 2018.
4. The short assured tenancy has reached its end.
5. Tacit relocation is not operating.
6. No further contractual tenancy is in existence.

Reasons

This was an undefended application in terms of rule 66. The tribunal was satisfied that it has sufficient information before it to make a decision and the procedure has been fair. The tribunal accordingly granted the mandatory order 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.

Lesley Ward

Lesley A Ward

Legal Member

17 May 2019