



**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/19/1250**

**Re: Property at 25 Park Wood, Erskine, Renfrewshie, PA8 7HR (“the Property”)**

**Parties:**

**Mr Gerry Brady, 57 Seafar Drive, Kelty, Fife, KY4 0JX (“the Applicant”)**

**Mrs Lynsay Welsh, 25 Park Wood, Erskine, Renfrewshire, PA8 7HR (“the Respondent”)**

**Tribunal Members:**

**Patricia Pryce (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 should be granted.**

- **Background**

This is an application for an order for possession in terms of Rule 66 of the Rules of Procedure.

- **The Case Management Discussion (CMD)**

The Applicant did not attend but was represented by Mr R Nixon of Ritehome Limited.

The Respondent did not attend nor was she represented. The Tribunal considered the terms of Rule 29 in relation to proceeding in absence of the Respondent. The Respondent had been served with the application and was aware of the date, time and location of the CMD. The Tribunal determined that it was in the interests of fairness and justice to proceed with the CMD in the absence of the Respondent.

The Tribunal considered the application before it.

Mr Nixon submitted that the application remained necessary as, despite service of the notice to quit and a notice under Section 33 of the 1988 Act, the Respondent remained in the property. Mr Nixon submitted that the Applicant wished to recover possession of the property so that he could refurbish it with a view to selling it.

- **Findings in Fact**

1. The tenancy between the parties was a short assured tenancy which commenced on 22 May 2017.
2. The tenancy continued on a month to month basis from 22 May 2018 onwards.
3. The Applicant served on the Respondent both a notice to quit and a notice in terms of Section 33 of the Housing (Scotland) Act 1988.
4. The Respondent remained in the property at the date of the CMD.

- **Reasons for Decision**

The Applicant had served the appropriate notices on the Respondent. Despite that, the Respondent remained in possession of the property.

- **Decision**

The Tribunal determined to grant the order for possession.

## **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.**

P Pryce

Patricia Anne Pryce 

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**Legal Member/Chair**

21 June 2019

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**Date**