

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 33 of the Housing (Scotland)
Act 1988**

Chamber Ref: FTS/HPC/EV/18/0997

Re: Property at 22 2-1 Cornalee Place, Glasgow, G53 7EN (“the Property”)

Parties:

Lynn Benzie, 55 Braille Drive, Renfrew, PA4 0DL (“the Applicant”)

**Lynne Cameron, 22 2-1 Cornalee Place, Glasgoew, G53 7EN (“the
Respondent”)**

Tribunal Members:

Melanie Barbour (Legal Member)

Decision (in absence of the Respondent)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that**

Background

An application was received under rule 66 of the First Tier Tribunal for Scotland (Housing and Property Chamber) (Procedure) Regulations 2017 (“the 2017 Rules”) seeking recovery of possession under a short assured tenancy by the applicant against the respondent for the property.

The application contained the tenancy agreement, a copy of the AT5, a copy of the Section 33 Notice, a copy of the Notice to Quit, certificate of service by sheriff officers for the notice to quit and the section 33 notice, and Section 11 Notice.

The Notice of the Hearing had been served on the respondent by sheriff officers on 24 July 2018.

The Applicant’s letting agent, Mrs Houston appeared with the Applicant. There was no appearance by the Respondent. As I was satisfied that the Respondent had been

given formal notice of the today's case management discussion I was prepared to proceed with it in her absence.

Case Management Discussion

Reference was made to the papers which had been lodged in support of the application, including the tenancy agreement, AT5, notice to quit, Section 33 notice and certificate of service.

Findings in Fact

I found the following facts established.

That there was a tenancy agreement between the Applicant and the Respondent in respect of the Property. It commenced on 28 October 2016 until 28 May 2017, and it continued thereafter on a month to month basis.

The tenancy provided that in the event that that either party wished to terminate the lease they had to provide two months' written notice.

The tenancy agreement had been signed by the parties on 28 October 2016 at 2.30pm.

The AT5 Form was in the prescribed format and it had been received by the respondent on and signed by her on 28 October 2016 at 2.00pm.

I was satisfied that a short assured tenancy had been created.

The notice to quit and section 33 notices both contained the prescribed information and both were dated 26 January 2018, both sought vacant possession as at 28 March 2018. Both provided more than 2 months' notice of vacant possession. A certificate of intimation of these notices by sheriff officers was provided which confirmed that the notices had been served on the Respondent on 26 January 2018.

I was satisfied with the terms of these notices and that they had been served on the Respondent.

Reasons for Decision

Section 33 of the 1988 Act requires me to grant an order for possession under a short assured tenancy, where the tenancy has reached its end; tacit relocation is not operating; no further contractual tenancy for the time being is in existence; and the landlord has given notice to the tenant that they require possession of the house. I am satisfied that these requirements have been met and I consider therefore that I require to grant an order for eviction under section 33 of the 1988 Act

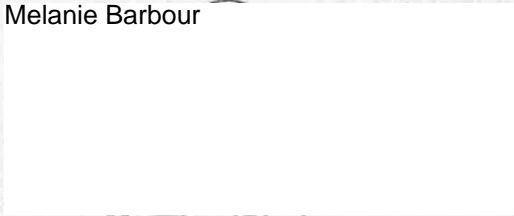
Decision

I grant an order in favour of the Applicant against the Respondent for recovery of possession of the property.

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.

Melanie Barbour



Legal Member/Chair

22. 8. 18

Date