

**Housing and Property Chamber**  
First-tier Tribunal for Scotland

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**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 and Rule 66 of the First-tier Tribunal for Scotland Housing and Property Chamber ( Regulations) 2017.**

**Chamber Ref: FTS/HPC/EV/19/2455**

**Re: Property at 195 Ash Road, Abronhill, Cumbernauld, G67 3EA (“the Property”)**

**Parties:**

**Mr Paul Mullan, 104 Dunedin Drive, Hairmyres, East Kilbride, G75 8QH (“the Applicant”)**

**Mr Garrie Hume, Ms Pamela Heron, 195 Ash Road, Abronhill, Cumbernauld, G67 3EA (“the Respondent”)**

**Tribunal Member:**

**Martin McAllister (Legal Member)**

**Decision (in absence of the Respondent):**

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

**Background**

**This is an application for recovery of the Property which was let under a short assured tenancy. Lodged with the application were copies of the tenancy agreement, notice to quit and notice to local authority. The application was on the basis that the tenancy had reached its ish, a notice to quit had been served and that the tenant had not moved out.**

**The Discussion**

**Mr Mullan was present and the purpose of a case management discussion was explained to him. It was noted that the application had been received by the Tribunal on 6<sup>th</sup> August 2019. Mr Mullan said that the respondents left the**

Property on 12<sup>th</sup> August 2019, that he got the keys a few days later and that the Property is currently being advertised for let.

He explained that he had submitted an application to the Tribunal for recovery of rent arrears and that he had done this on 13<sup>th</sup> September 2019. He said that he thought that an order granted by the Tribunal for recovery would assist him in his civil application. He agreed that he did not require an order to remove the Respondents because he already had possession of the Property.

#### **Determination**

I saw no purpose in granting the order under Section 33 of the Act and, indeed, it would be inappropriate to do so. The Respondents are not in possession of the Property. The Application is therefore dismissed.

#### **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.

# **Martin McAllister**

**Martin J. McAllister**  
**Legal Member/Chair**  
**4<sup>th</sup> October 2019**