



**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/22/2479**

**Property: Flat 3/2, 7 Townhead Terrace, Paisley PA1 2AU ("Property")**

**Parties:**

**Auberne Estates Limited, 27 Smith Way, Bishopbriggs, Glasgow G64 1FD  
("Applicant")**

**Patten & Prentice LLP, 2 Ardgowan Square, Greenock PA16 8PP ("Applicant's  
Representative")**

**Richard Miller, Flat 3/2, 7 Townhead Terrace, Paisley PA1 2AU ("Respondent")**

**Strathclyde Law Clinic, 40 George Street, Glasgow G1 1QE ("Respondent's  
Representative")**

**Tribunal Members:**

**Joan Devine (Legal Member)**

**Mary Lyden (Ordinary Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber)  
("Tribunal") determined that an order for possession of the Property should be  
made.**

**Background**

The Applicant sought recovery of possession of the Property. The Applicant had lodged Form E with supporting documents. A Case Management Discussion ("CMD") took place on 27 March 2023. Both Parties were in attendance and represented. The outcome was that a Direction was issued and a continued CMD was fixed for 5 June 2023. By letter dated 13 April 2023 the Respondent's Representative told the Tribunal that the Respondent had secured alternative accommodation and required 2 months to vacate the Property. By email dated 10 May 2023 the Applicant's Representative noted that Parties were agreed that an order for eviction should be granted to be enforced no earlier than 31 May 2023 asked for the Tribunal to dispose of matters administratively without a further CMD. By email dated 18 May 2023 the Tribunal asked the Respondent's Representative to state whether they objected to that course

of action by 5pm on 25 May 2023. The Respondent's Representative replied on 22 May 2023 stating no objection.

### **Reasons for the Decision**

The Tribunal determined to make an Order for possession of the Property in terms of Section 33 of the 1988 Act. The Tribunal noted that the tenancy had been properly created as a short assured tenancy. The Tribunal noted that a Section 33 Notice and Notice to Quit had been served on the Respondent giving two months' notice that the Applicant required possession of the Property. The Respondent had secured alternative accommodation and expected to vacate the Property no later than 31 May 2023. The Tribunal determined that it was reasonable to issue an eviction order.

### **Decision**

The Tribunal discharges the continued case management discussion fixed for 5 June 2023 and grants an Order for 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.**

**Joan Devine  
Legal Member**

**Date : 26 May 2023**