



**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 (“The Act”)**

**Chamber Ref: FTS/HPC/EV/23/1753**

**Re: Property at 108 Arden Craig Drive, Glasgow, G45 0HW (“the Property”)**

**Parties:**

**Mr Asif Hameed, Meadow Gate, Betty Lane, Oxford, OX1 5BW (“the Applicant”)**

**Miss Michelle McDonagh, 108 Arden Craig Drive, Glasgow, G45 0HW (“the Respondent”)**

**Tribunal Members:**

**Andrew McLaughlin (Legal Member) and Elizabeth Dickson (Ordinary Member)**

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

[1] The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted the Application and made an Eviction Order.

**Background**

[2] The Applicant seeks an Eviction Order under s33 of the Act. The Application is accompanied by a copy of the tenancy agreement, the notice to quit with s 33 Notice and proof of service and evidence of compliance with s11 of the Homelessness (etc) (Scotland) Act 2003.

## **The Case Management Discussion**

[3] The Application called for a Case Management Discussion (CMD) at 2pm on 24 October 2023. The Applicant was represented by Ms Harte of Northwood Glasgow Ltd. There was no appearance by or on behalf of the Respondent. On the basis that the Application and information about how to join the conference call had been served on the Respondent by Sheriff Officers, the Tribunal decided to proceed in the absence of the Respondent.

[4] Having heard from Ms Harte and having considered the Application, the Tribunal made the following findings in fact.

### **Findings in Fact**

- I. *The parties entered into a short assured tenancy within the meaning of the Act whereby the Applicant let the Property to the Respondent;*
- II. *The Applicant has competently ended the contractual tenancy between the parties by service of a notice to quit and a notice under section 33 of the Act;*
- III. *The Applicant has complied with s 11 of the Homelessness (etc) (Scotland) Act 2003;*
- IV. *The Respondent is thought to have already found suitable alternate accommodation;*
- V. *The Respondent has not engaged with the Tribunal process;*
- VI. *It is reasonable that an Eviction Order is granted.*

### **Reasons for Decision**

[5] Having made the above findings in fact, the Tribunal granted the Application and made an Eviction Order.

### **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.



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Legal Member/Chair

24 October 2023

Date