



**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/23/3092

Re: Property at 70 Blackburn Street, Glasgow, G51 1EL (“the Property”)

Parties:

Mr Farid Djoudi, 9 Cardiff Court, Glasgow, G40 4TJ (“the Applicant”)

**Ms Barbara Niemczyk, 70 Blackburn Street, Glasgow, G51 1EL (“the
Respondent”)**

Tribunal Members:

Nicola Irvine (Legal Member) and Eileen Shand (Ordinary Member)

Decision (in absence of the Respondent)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that the Applicant is entitled to the Order sought for
recovery of possession of the property.**

Background

1. The Applicant submitted an application under Rule 66 for an order to evict the Respondent from the property.
2. By decision dated 18 September 2023, a Convenor of the Housing and Property Chamber (“HPC”) having delegated power for the purpose, referred the application under Rule 9 of the Rules to a case management discussion (“CMD”).
3. Letters were issued on 31 October 2023 informing both parties that a CMD had been assigned for 12 December 2023 at 10am, which was to take place by conference call. In that letter, the parties were also told that they were required to take part in the discussion and were informed that the Tribunal could make a decision today on the application. The Respondent was invited to make

written representations by 21 November 2023. No written representations were received from the Respondent.

The case management discussion

4. The CMD took place by conference call. The Applicant was represented by Mr Jeffrey Livingstone. The Respondent did not join the conference call and the discussion proceeded in her absence. The Applicant's representative explained that there have been no issues relating to the conduct of the tenancy. The Applicant intends to sell the property and cease his activity as a landlord. The Applicant explored the possibility of the Respondent purchasing the property but that was not viable. The Respondent is in employment and lives in the property with her teenage daughter. The Respondent has been in contact with the local authority but alternative accommodation has not yet been identified. The Applicant notified the local authority of the intention to raise these proceedings by sending a notice as required in terms of section 56(1) of the Private Housing (Tenancies) (Scotland) Act 2016.

Findings in Fact

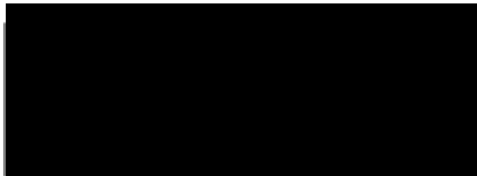
5. The parties entered into a short assured tenancy which commenced 1 June 2017.
6. The Applicant served Notice to Quit and Notice in terms of Section 33 of the Housing (Scotland) Act 1988 on the Respondent by sheriff officer on 19 May 2023.
7. The short assured tenancy had reached its end.
8. Tacit relocation was not operating.
9. No further contractual tenancy is in operation.

Reason for Decision

10. The Tribunal proceeded on the basis of the documents and the submissions made at the CMD. The Respondent did not lodge any written submissions and did not participate in the CMD. The Tribunal was satisfied that the conditions of section 33 had been met and that it was reasonable in the circumstances to grant the order evicting the Respondent from the property. Accordingly, the Tribunal granted the order for eviction.

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.



Legal Member/Chair

12 December 2023

Date