



**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/23/2514

**Re: Property at Flat 1 Up Right, 5 Harland Cottages, Scotstoun, Glasgow, G14
0AS (“the Property”)**

Parties:

Iluasa Limited, 14 Newton Place, Glasgow, G3 7PY (“the Applicant”)

**Mr Stuart Millar, Flat 1 Up Right, 5 Harland Cottages, Scotstoun, Glasgow, G14
0AS (“the Respondent”)**

Tribunal Members:

Nicola Irvine (Legal Member) and Ann Moore (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. A case management discussion (“CMD”) took place on 23 November 2023 and the Tribunal issued a note to the parties on 28 November 2023 summarising the discussion.
3. The Tribunal issued further letters to parties on 10 January 2024 informing them that a CMD had been assigned for 27 February 2024 at 10am, which was to take place by conference call. In that letter, the parties were also told that they required to take part in the discussion and were informed that the Tribunal could make a decision today on the application.

4. On 23 January 2024, the Tribunal received written representation from the Applicant's representative.

The case management discussion

5. The CMD took place by conference call. The Applicant was represented by Miss Emily McFadyen. The Respondent failed to join the conference call and the discussion proceeded in his absence. The Applicant's representative explained that the Applicant is the heritable proprietor of the property and the tenancy has been terminated at the ish date. The Respondent has also incurred rent arrears in excess of £5,000 and has not paid any rent for more than a year. The Respondent's circumstances as known to the Applicant are such that he lives alone at the property with no dependents. The Applicant's representative moved for an eviction order to be granted and submitted that it was reasonable to grant the order.

Findings in Fact

6. The parties entered into a short assured tenancy which commenced 17 June 2017.
7. 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 6 April 2023.
8. The short assured tenancy had reached its ish.
9. Tacit relocation was not operating.
10. No further contractual tenancy is in operation.

Reason for Decision

11. The Tribunal proceeded on the basis of the documents and the submissions made at the CMD. The Respondent failed to lodge any written representations and failed to 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. The Tribunal took account of the fact that the Respondent had failed to pay rent for more than a year and had not engaged with the Applicant in any way regarding the tenancy. The tenancy therefore appeared to be unsustainable for the Respondent. 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.

N Irvine

Legal Member/Chair

27 February 2024
Date