



Decision 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/24/0161

Re: Property at 23 Quentin Street, Glasgow, G41 3TY (“the Property”)

Parties:

Ms Anne Smillie, 55 Westerton Avenue, Glasgow, G61 1HW (“the Applicant”)

Ms Karen Hughes, Flat 0/1, 23 Quentin Street, Glasgow, G41 3TY (“the Respondent”)

Tribunal Members:

Mark Thorley (Legal Member) and Melanie Booth (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order of eviction be granted.

BACKGROUND

- 1. The applicant applied to the First Tier Tribunal for Scotland (Housing and Property Chamber) ‘The Tribunal’ by application dated 11th January 2024.**
- 2. The application was accompanied by the following papers:**
 - a. Agent’s mandate**
 - b. Tenancy agreement**
 - c. AT5**
 - d. Notice under Section 33 (1) (d) of the 1988 Act**
 - e. Service of the notice**
 - f. Notice to Quit**
 - g. Service of Notice to Quit**
 - h. Section 11 Notice**
 - i. Service of Section 11 Notice**

3. The application was received and accepted for determination on 12th February 2024.
4. Sheriff Officers served the application on 11th April 2024 on the Respondent.
5. The Respondent sent in written representations. These representations indicated that she was prepared to move but wanted a delay until either December 2024 or March 2025.

THE HEARING

6. At the hearing Mr Livingstone attended on behalf of the Applicant. The Respondent was not present nor was she represented.
7. Mr Livingstone provided certain information. The Respondent is a single occupier. She is about to resume full-time employment. There are no medical issues. She has maintained the property to a very high standard. She is looking for social housing.

FINDINGS IN FACT

1. The Parties entered into a Short Assured Tenancy for the rental of the property at 23 Quentin Street, Glasgow, G41 3TY on 3rd August 2003 for a rental of £375 per month.
2. The AT5 was served and expired on 3rd January 2024.
3. All remaining paperwork was in order. The Respondent was not opposed to leaving.

REASONS FOR THE DECISION

1. The Tribunal determined to grant the order. All of the paperwork was in order. The Respondent was content to leave. The only issue was when she left. She was applying for social housing. It appeared that the Applicant was prepared to give the Respondent certain further time but wished the order in place. The order may assist the Respondent in any event.
2. On that basis the Tribunal were content to grant the order.

THE DECISION

1. To grant an order of 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.

Since an appeal is only able to be made on a point of law, a party who intends to appeal the tribunal's decision may wish to request a Statement of Reasons for the decision to enable them to identify the point of law on which they wish to appeal. A party may make a request of the First-tier Tribunal for Scotland (Housing and Property Chamber) to provide written reasons for their decision within 14 days of the date of issue of this decision.

Where a Statement of Reasons is provided by the tribunal after such a request, the 30 day period for receipt of an application for permission to appeal begins on the date the Statement of Reasons is sent to them.

M Thorley

17th May 2024

Legal Member/Chair

Date