



**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/24/0747**

**Re: Property at 260 Gladsmuir Road, Glasgow, G52 2LA (“the Property”)**

**Parties:**

**Gary Culpan of Culpan Properties, 44 Clifford Lane, Glasgow, G51 1NR (“the Applicant”)**

**Ms Sharon Grant, 260 Gladsmuir Road, Glasgow, G52 2LA (“the Respondent”)**

**Tribunal Members:**

**George Clark (Legal Member) and Sandra Brydon (Ordinary Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application should be decided without a Hearing and made an Order for Possession of the Property.**

**Background**

1. By application, dated 27 March 2024, the Applicant sought an Order for Possession of the Property under Section 33 of the Housing (Scotland) Act 1988 (“the 1988 Act”), namely recovery of possession on termination of a Short Assured Tenancy. The application stated that the Applicant has reached retirement age where he no longer wishes to continue managing properties. The Respondent has also failed to pay rent since the Notice to Quit was served on her.
2. The application was accompanied by a copy of a Short Assured Tenancy Agreement between the Parties, commencing on 22 May 2015 and, if not ended on 22 November 2015, continuing on a month to month basis thereafter until one month’s notice was given by either party. The Applicant also supplied copies of a Form AT5 Notice given on 22 May 2015 and of a Notice given under Section 33 of the 1988 Act and a Notice to Quit, both

dated 6 June 2023, and both requiring the Respondent to vacate the Property by 22 August 2023.

3. On 12 June 2024, the Tribunal advised the Parties of the date and time of a Case Management Discussion, and the Respondent was invited to make written representations by 3 July 2024. The Respondent did not make any written representations to the Tribunal.

### **Case Management Discussion**

4. A Case Management Discussion was held by means of a telephone conference call on the morning of 18 July 2024. The Applicant was represented by Ms Jennifer Anderson of Simplicity Legal Limited, Glasgow. The Respondent was not present or represented.
5. The Applicant's representative told the Tribunal that she understood that the Applicant had owned approximately 12 properties. The process of recovering possession and selling them had been ongoing for some time. The Property is one of only two remaining. The Respondent had stopped paying rent when the Notice to Quit was served and rent arrears now stand at approximately £6,000. Ms Anderson did not have any information as to the Respondent's personal circumstances, but advise the Tribunal that the Respondent had not been in recent communication with the Applicant, who had also experienced difficulty in obtaining access to the Property to carry out inspections.

### **Reasons for Decision**

6. Rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 provides that the Tribunal may do anything at a Case Management Discussion which it may do at a Hearing, including making a Decision. The Tribunal was satisfied that it had before it all the information and documentation it required to enable it to decide the application without a Hearing.
7. Section 33 of the 1988 Act states that the Tribunal may make an Order for Possession of a house let on a Short Assured Tenancy if it is satisfied that the Short Assured Tenancy has reached its end, that tacit relocation is not operating, that no further contractual tenancy is for the time being in existence, that the landlord has given to the tenant notice stating that he requires possession of the house, and that it is reasonable to make the Order for Possession.
8. The Tribunal was satisfied that the tenancy had reached its end, that, by service of the Notice to Quit, tacit relocation was not operating, that there was no further contractual tenancy in existence between the Parties and that the Notice required under Section 33 of the 1988 Act had been properly given. The remaining matter for the Tribunal to consider was, therefore, whether it would be reasonable to issue an Order for Possession.
9. In arriving at its decision as to whether it would be reasonable to make an Order for Possession, the Tribunal considered carefully all the evidence

before it and noted in particular the fact that the Applicant wished to exit the letting market and had already disposed of most of the rental properties he had owned. The Tribunal also noted that the Respondent had accrued very significant rent arrears. She had received notification of the application and of the Case Management Discussion but had not made any written representations and had not been present at the Case Management Discussion to offer any information as to why it would not be reasonable for the Tribunal to make an Order for Possession.

10. Having taken into account all the evidence, written and oral, before it, the Tribunal decided that it would be reasonable to make 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.**

**George Clark**

**Legal Member/Chai**

**Date: 18 July 2024**