



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 (Act)

Chamber Ref: FTS/HPC/EV/23/4427

Re: Property at 5 Strathcona Place, East Kilbride, G75 0HA (“the Property”)

Parties

TC XIX Limited, 1008 Pollokshaws Road, Glasgow, G41 2HG (“the Applicant”)

Ms Judith Rodger, 5 Strathcona Place, East Kilbride, G75 0HA (“the Respondent”)

MBM Home Lets (Applicant’s Representative)

Tribunal Members:

Alan Strain (Legal Member) and Gordon Laurie (Ordinary Member)

Decision (in absence of the Respondent)

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

This is an application under section 33 of the Act and Rule 66 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (**Regulations**) in respect of the termination of a Short-Assured Tenancy (**SAT**).

The Tribunal had regard to the following documents lodged in advance of the Hearing:

1. Application received 11 December 2023;
2. AT5 and SAT commencing 15 June 2015;
3. Notice to Quit and Section 33 Notice both dated 25 August 2023;
4. Royal Mail Track and Trace Receipt of both Notices by the Respondent dated 26 August 2023;
6. Section 11 Notice and email serving on local authority dated 6 March 2024;
7. Sheriff Officer certificate of service of CMD Notification on 28 June 2024.

Case Management Discussion (CMD)

The case called for a CMD by conference call on 5 August 2024. The Applicant did not participate but were represented by their Letting Agent. The Respondent did not participate and was not represented.

The Tribunal delayed commencement of the CMD to see if the Respondent would dial-in. She did not. The Tribunal was satisfied that the Respondent had received notification of the CMD and knew that if she did not participate then the Tribunal may decide matters in absence.

The Tribunal proceeded with the CMD.

The Applicant intends to sell the Property along with others in their portfolio. They have tried to sell the Property with the Respondent as a sitting tenant but have been unable to do so.

The Letting Agent was not able to provide the Tribunal with much information about the Respondent other than she was a good tenant.

Decision and Reasons

The Tribunal considered the oral and documentary evidence from the Applicant and its Letting Agent. In so far as material the Tribunal made the following findings in fact:

1. The Parties let the subjects under a SAT commencing 15 June 2015;
2. An AT5 had been served prior to commencement of the SAT;
3. Notice to Quit and Section 33 Notice had been served 26 August 2023;
4. Section 11 Notice had been served on the local authority on 6 March 2024;
5. The SAT had reached its ish and had been terminated;
6. Tacit relocation was no longer operating;
7. No further contractual tenancy was in existence;
8. The Applicant had given the Respondent notice that they required possession;
9. The Applicant required to recover possession of the Property to sell it with vacant possession. They had been unsuccessfully attempting to sell the Property with the Respondent as a sitting tenant.

The Tribunal considered all of the evidence and submissions.

The Tribunal were satisfied that Rule 66 had been complied with.

The Tribunal were aware that it had to be satisfied that it was reasonable in the circumstances to grant the order sought. The Tribunal determined that it would be reasonable to grant the order sought in the circumstances.

The Applicant wished to sell the Property along with others in their portfolio. The Applicant had been unsuccessful in attempts to sell the Property with a sitting tenant. The Applicant needed vacant possession to assist with the sale of the Property.

The Tribunal granted the application for eviction and recovery of possession.

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.

Alan Strain

5 August 2024

Legal Member/Chair

Date