



**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/24/0468

Re: Property at 45 Craigmuir Road, Glasgow, G52 4AZ (“the Property”)

Parties:

G & C Properties, 42 Middlefield, Valleyfield, East Kilbride, G75 0HJ (“the Applicant”)

Mrs Maureen Bowden, 45 Craigmuir Road, Glasgow, G52 4AZ (“the Respondent”)

Tribunal Members:

Nicola Irvine (Legal Member) and Angus Lamont (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 of the Housing & Property Chamber Procedure Regulations 2017 (“the Rules”) for an order to evict the Respondent from the property.
2. 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 2 August 2024 informing both parties that a CMD had been assigned for 3 September 2024 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 if the Tribunal has sufficient information and considers the procedure to have been fair. The Respondent was invited to make written representations by 23 August 2024. No written representations were received by the Tribunal.

The case management discussion – 3 September 2024

4. The CMD took place by conference call. The Applicant was represented by Mrs Laura Houston. The Respondent did not join the conference call, and the discussion proceeded in her absence. The Tribunal explained the purpose of the CMD. The Applicant's representative explained that the Applicant owns 4 rental properties in total and intends to sell all of them and cease activity as a landlord. There is an existing mortgage in relation to the Property and the cost of the mortgage exceeds the rental charge. It is no longer financially viable for the Applicant to rent the Property to the Respondent. The Respondent is believed to have income from employment and self-employment. The Respondent has 2 adult children and one child of school age living with her. The Applicant's representative understands that the Respondent has been in contact with the local authority and has been told that alternative accommodation cannot be offered unless an eviction order is granted.
5. The Tribunal adjourned briefly to consider the information provided by the Applicant's representative. The Tribunal explained that it found that the tenancy had been brought to an end by the operation of section 33 and that it was reasonable to grant the order.

Findings in Fact

6. The parties entered into a short assured tenancy which commenced 28 May 2011.
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 27 November 2023.
8. The short assured tenancy had reached its end.
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 did not join the conference call and did not lodge any written submissions. The Tribunal was satisfied that the conditions

of section 33 had been met. In light of the circumstances outlined by the Applicant's representative, the Tribunal was satisfied that it was reasonable to grant the order evicting the Respondent from 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.

Legal Member:

Date: 3rd September 2024

Nicola Irvine