



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 71 of the Housing (Scotland)
Act 2014**

Chamber Ref: FTS/HPC/EV/24/2238

**Re: Property at 24 Strathclyde Gardens, Drumsagard, Glasgow, G72 7ET (“the
Property”)**

Parties:

**Mr Mitchel Taylor, 21 St Stephens Park Road, Manston, Kent, CT12 5NE (“the
Applicant”)**

**Mr Syed Qasim Ali Shah, 24 Strathclyde Gardens, Drumsagard, Glasgow, G72
7ET (“the Respondent”)**

Tribunal Members:

Alison Kelly (Legal Member) and Frances Wood (Ordinary Member)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that the application should be dismissed.**

1. On 15th May 2024 the Applicant lodged an Application with the Tribunal under Rule 66 of the First Tier Tribunal for Scotland (Housing and Property Chamber Rules of Procedure) 2017 (“The Rules”), seeking an order to evict the Respondent from the property.
2. Lodged with the application were: -
 - a. Short Assured Tenancy Agreement dated 31st May 2016 and initially running from 31st May 2016 to 30th November 2016, with monthly rent of £525, and extension to that SAT running from 30th May 2018 to 30th November 2018 and monthly thereafter;
 - b. AT5 Notice dated 31st May 2016;
 - c. Notice to Quit dated 2nd February 2024 for 30th April 2024;
 - d. Section 33 Notice dated 2nd February 2024 for 30th April 2024
 - e. Recorded delivery proof of Service of 3 and 4
 - f. Section 11 Notice;

3. The Application was served on the Respondent by Sheriff Officers on 18th December 2024.
4. On 6th January 2025 the Respondent sent an email to the Tribunal advising that he had found new accommodation and would be moving on 27th January 2025.

Case Management Discussion

5. The Case Management Discussion ("CMD") took place by teleconference. The Applicant was represented by Mr Gildea of John Jackson & Dick, Solicitors. There was no attendance by the Respondent, nor any representative on his behalf.
6. Mr Gildea said that he was instructed to seek an order for possession of the property. The Chairperson referred to the Respondent's email of 6th January 2025 and asked if he had not left the property after all. Mr Gildea said that the Respondent had left the property but had not given formal notice and therefore the Applicant was entitled to the element of legal protection that a possession order would give him.
7. The Tribunal adjourned for ten minutes for Mr Gildea to check that the Applicant had received the keys.
8. Mr Gildea rejoined the call after speaking with the Applicant. He confirmed that the Applicant had received a set of keys to the property, from the letting agent who had received them from the Respondent. The Applicant had accessed the property since being given the keys. However, he was still entitled to the order as it might not be the only set of keys, and the Respondent might still return as he had not confirmed that he was leaving.

Findings in Fact

- i. The parties entered into a Short Assured Tenancy Agreement in respect of the property;
- ii. Notice To Quit and Section 33 Notice were served timeously and correctly;
- iii. The Application was served on the Respondent by Sheriff Officer on 18th December 2024;
- iv. The Respondent sent an email to the Tribunal on 6th January 2025 indicating that he would leave by 27th January 2025;
- v. The Respondent handed a set of keys to the letting agent;
- vi. The Applicant has subsequently accessed the property.

Reasons For Decision

9. The Tribunal was satisfied that the ground of eviction had been met, but it was not satisfied that it was reasonable to grant an order for eviction in circumstances where the Respondent had indicated by email that he was leaving, had handed a set of keys in to the letting agent and the Applicant had subsequently entered 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.

Alison Kelly

Alison Kelly

Legal Member/Chair

17 February 2025

Date