



**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**

Reference number: FTS/HPC/EV/20/4718

Order granted on 30 April 2024 in absence of the Respondent

Property: 2 Greenfield Crescent, Wishaw, ML2 8NZ

Parties:

Sharon Mullan, residing at 104 Dunedin Drive, Hairmyres, East Kilbride, G75 9QH ("the Applicant")

Donna Marie Clegg, residing at 2 Greenfield Crescent, Wishaw, ML2 8NZ ("the Respondent")

**Tribunal Members:**

**Paul Doyle (Legal Member)**  
**Gerard Darroch (Ordinary Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") makes an order for possession of the Property in terms of section 33 of the Housing (Scotland) Act 1988.**

**Background**

1. The Applicant sought recovery of possession of the Property in terms of Section 33 of the Housing (Scotland) Act 1988 ("the 1988 Act"). The Applicant had lodged with the Tribunal Form E. The documents produced were a Tenancy Agreement, an AT5, a Notice to Quit and s.33 notice, together with a notice under s.11 of the Homelessness (Scotland) Act 2003. A copy land certificate was lodged with the Tribunal which showed that the applicant is heritable proprietor of the Property.

## **Case Management Discussion**

2. A Case Management Discussion took place before the Tribunal by telephone conference at 2.00pm on 30 April 2025. The Applicant was represented by her husband, Paul Mullan. There was no appearance by or on behalf of the Respondent.

## **Findings in Fact**

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent entered into a short-assured tenancy Agreement for the Property dated 27 February 2017. The lease initially ran from 28 January 2013 to 27 August 2017.
2. The rent in terms of the Tenancy Agreement was £525.00 per month.
3. The Tenancy Agreement set out the grounds on which the Landlord could seek recovery of possession of the Property in terms of Schedule 5 of the 1988 Act.
4. A notice to quit and a s.33 notice were served on the Respondent on 11 July 2024. The tenancy is a short-assured tenancy, and the respondent received the notice to quit and the s.33 notice timeously. The s.33 notice brought the tenancy to an end on 27 August 2024.
5. The Applicant sought recovery of possession of the Property in terms of s.33 of the Housing (Scotland) Act 1988 because the short-assured tenancy had been brought to an end on 27 August 2024 by the service of the s.33 notice.
6. The respondent has surrendered possession of the property and offers no resistance to this application.
7. The respondent has no competent answer to the application for repossession. It is reasonable to grant an order for possession.

## **Reasons for the Decision**

The Tribunal determined to make an Order for possession of the Property in terms of Section 33 of the 1988 Act. The tenancy was a short-assured tenancy. Correct notice was given which brought the short-assured tenancy to an end on 27 August 2024. The basis for possession set out in s.33 of the 1988 Act is established. The respondent offers no defence to the application. The finite time for occupancy of the property as a short-assured tenancy has come to an end. For these reasons, the Tribunal determined to grant an Order for possession.

## **Decision**

For the foregoing reasons, the Tribunal determined to make an Order for 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.**

**Paul Doyle**

**30 April 2025**

**Legal Member**