

**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/24/5268

Re: Property at Flat 2/2 105 Allison Street, Glasgow, G42 8NE (“the Property”)

Parties:

Mr Sukhbir Kaur Virhia, 719 Cathcart Road, Glasgow, G42 8UA (“the Applicant”)

**Mr Stefan Guti, Flat 2/2 105 Allison Street, Glasgow, G42 8NE (“the
Respondent”)**

Tribunal Members:

Alison Kelly (Legal Member) and Eileen Shand (Ordinary Member)

Decision (in absence of the Respondent)

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

1. On 13th November 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 12th October 2016 and initially running from 12th October 2016 to 12th April 2017 and monthly thereafter, and with monthly rent of £375;
 - b. AT5 Notice dated 12th October 2016;
 - c. Notice to Quit dated 13th August 2024 for 12th November 2024;

- d. Section 33 Notice dated 13th August 2024 for 12th November 2024;
 - e. Proof of service of c and d;
 - f. Section 11 Notice and proof of service.
3. The Application was served on the Respondent personally by Sheriff Officers on 17th April 2025.

Case Management Discussion

4. The Case Management Discussion ("CMD") took place by teleconference. The Applicant was represented by Mr Haq of G4 Properties Limited. There was no attendance by the Respondent nor any representative on his behalf.
5. Mr Haq sought an order for eviction in terms of sections 19 and 33 of the Housing (Scotland) Act 1988. He said that the Applicant was seeking eviction in order that she could sell the property. Major works had been required to the whole block, which had included providing separate accommodation for the Respondent while the work took place. The work had been of significant cost. The Applicant needed to recoup the funds spent on the work. She has one other rental property and is seeking to sell that too. She is from Glasgow but now lives abroad.
6. Mr Haq said that the Respondent lives in the property with his wife and one child, who is believed now to be an adult. He has been there since 2016; the tenancy has had its ups and downs and there are currently arrears in the amount of £1397.14. The property has not been adapted to meet any special needs or disabilities. Mr Haq has offered support to the Respondent in seeking new accommodation, but his offer of help has not been taken up.

Findings in Fact

- i. The parties entered into a Short Assured Tenancy Agreement in respect of the property;
- ii. The tenancy commenced on 12th October 2016, with the initial term being from 12th October 2016 to 12th April 2017, and monthly thereafter;
- iii. Notice To Quit and Section 33 Notice were served timeously and correctly;
- iv. The Short Assured Tenancy has reached its end;
- v. Tacit relocation is not operating;
- vi. The Application was served on the Respondent by Sheriff Officer on 17th April 2025;
- vii. The block of flats in which the property is located has required substantial work to upgrade it;
- viii. The upgrade was at significant cost to the Applicant;
- ix. The Applicant wishes to sell the property to recoup the funds spent on it;
- x. The Respondent lives in the property with his wife and grown up child;

- xi. The property had not been adapted in respect of disability or special needs;
- xii. There are currently rent arrears in the amount of £1397.14.

Reasons For Decision

7. Section 33 of the Housing (Scotland) Act 1988 is as follows:

(1) Without prejudice to any right of the landlord under a short assured tenancy to recover possession of the house let on the tenancy in accordance with sections 12 to 31 of this Act, the First-tier Tribunal may make an order for possession of the house if the Tribunal is satisfied—

(a) that the short assured tenancy has reached its finish;

(b) that tacit relocation is not operating;

(c)

(d) that the landlord (or, where there are joint landlords, any of them) has given to the tenant notice stating that he requires possession of the house and

(e) that it is reasonable to make an order for possession.

(2) The period of notice to be given under subsection (1)(d) above shall be—

(i) if the terms of the tenancy provide, in relation to such notice, for a period of more than two months, that period;

(ii) in any other case, two months.

(3) A notice under paragraph (d) of subsection (1) above may be served before, at or after the termination of the tenancy to which it relates.

(4) Where the First-tier Tribunal makes an order for possession of a house by virtue of subsection (1) above, any statutory assured tenancy which has arisen as at that finish shall end (without further notice) on the day on which the order takes effect.

(5) For the avoidance of doubt, sections 18 and 19 do not apply for the purpose of a landlord seeking to recover possession of the house under this section.

9. The Tribunal is satisfied that the Short Assured Tenancy has been brought to an end and that tacit relocation is not operating. The Tribunal is also satisfied that it is reasonable to grant the order. The Applicant has incurred significant costs in upgrading the property. The Applicant has the right to sell the

property and wishes to do so to recoup the expenditure. The Respondent has not responded to the Tribunal application, and therefore has not put forward any reason why it would not be reasonable to grant the order. In the circumstances the Tribunal therefore considers that it is reasonable.

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

7th July 2025

Legal Member/Chair

Date