

Housing and Property Chamber
First-tier Tribunal for Scotland



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/19/0618

Re: Property at T/R 62 Niddrie Road, Govanhill, Glasgow, G42 8NR (“the Property”)

Parties:

Mr Nabeed Ramzan, 19 Ernest Wynd, Motherwell, ML1 3WH (“the Applicant”)

Mr Paul Ogunmade, T/R 62 Niddrie Road, Govanhill, Glasgow, G42 8NR (“the Respondent”)

Tribunal Members:

Colin Dunipace (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Application should be granted without the necessity of a full Hearing and granted an Order for Possession of the Property.

Background

1. A Case Management Discussion (“CMD”) took place at 10am on 23 April 2019 in Glasgow Tribunals Centre, Room 110, 20 York Street, Glasgow, G2 8GT. The Applicant was represented at this Discussion by Mr Dominic Coyle of Messrs Austin Lafferty Limited. The Respondent was neither present nor represented at this Discussion. Having considered the question of service I noted that intimation of the Discussion had been served upon the respondent by Sheriff Officers on 1 April 2019. In these circumstances the Chairman of the Tribunal directed that the Discussion could proceed in the absence of the Respondent.

Findings in Fact

2. The parties entered into a Short Assured Tenancy Agreement on 8 May 2006. The initial term of this tenancy was for a period of six months and expired on 7 November 2006. Upon the expiry of the initial term the tenancy agreement continued on a month to month basis. The relevant ish date fell upon 9 September 2018.
3. A Notice to Quit dated 15 June 2018 was served upon the respondent by Sheriff Officers on 28 June 2018, giving the Respondent two months clear notice to remove from the property.
4. The Tribunal was satisfied that this service upon the Respondent was lawful and effective in terms of section 33 of the 1988 Act.
5. Notice was also served upon the Local Authority in terms of section 11 of the Homelessness etc (Scotland) Act 2003 on 19 December 2018.
6. The Respondent still resides in the property and has not paid the agreed rental payments of £325 per month since July 2018.

Outcome

7. In light of the facts found above, the Tribunal decided to grant the Order for Repossession as sought.

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.

Colin Dunipace

Legal Member/Chair

23/4/19

Date