



**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/21/0854**

**Re: Property at 1 Harlaw Gardens Bishopbriggs Glasgow G64 1QL (“the Property”)**

**Parties:**

**Mr Hardeep Chall 9 Solway Road Bishopbriggs Glasgow G64 1QL (“the Applicant”)**

**Miss Diane McKerracher, Mr Christopher Russell 1 Harlaw Gardens Bishopbriggs Glasgow G64 1BJ (“the Respondents”)**

**Tribunal Members:**

**Lesley Ward, Legal Member.**

**Decision**

- 1. The tribunal determined that an order for the eviction of the respondents from the property at 1 Harlaw Gardens Bishopbriggs Glasgow G64 1BJ be made on the basis of the expiry of the expiry of the short assured tenancy and, it being reasonable in all of the circumstances to grant the eviction order.**

**Background**

- 2. This was an application for eviction in terms of s33 of the Housing (Scotland) Act 1988 and Rule 66 of the First-tier Tribunal for Scotland (Procedure) Regulations 2017 ‘the rules. The case has a procedural history and there have been two case management discussions. A hearing was due to take place today however the parties, who are both legally represented, have come to an agreement that the eviction should be granted of consent and enforcement of the order shall be postponed until 1 December 2021. The**

tribunal was therefore presented with a joint motion to this effect. The hearing was discharged.

3. The tribunal had before it the following copy documents: -

- (1) Application dated 5 April 2021.
- (2) Short Assured Tenancy Agreement dated 19 September 2014.
- (3) AT5 dated 17 September 2021.
- (4) Notice to quit dated 3 September 2020 with an ish date of 19 March 2021.
- (5) S33 notice dated 3 September 2020
- (6) Proof of service of notice to quit.
- (7) S11 notice.
- (8) Land certificate.
- (9) Written submissions for respondents.
- (10) Written representations for the applicant.

#### **4. Findings in fact**

- (1) The applicant is the owner of the property.
- (2) The parties entered into a Short Assured Tenancy Agreement for let of the property on 19 September 2014.
- (3) The initial term was for 6 months from 19 September 2014 and then a monthly rolling contract thereafter.
- (4) A valid notice to quit and s33 notice dated 3 September 2020 were served on the respondents on 15 September 2020.
- (5) The tenancy has reached its ish and tacit relocation is not operating.
- (6) The respondents have agreed to move out of the property.

#### **Reasons**

5. This was an unopposed application for eviction in connection with a Short Assured Tenancy. The tribunal was satisfied that it had sufficient information before it to make a decision and the procedure had been fair.
6. The correct notice period is 6 months in terms of the Coronavirus (Scotland) Act 2020 schedule 1 paragraph 4(3). The notice to quit and s33 were dated 3 September 2020 and were served on 15 September 2020 and signed for by the respondents on 18 September 2020. The notice to quit tied in with the ish date of 19 March 2021. The tribunal was therefore satisfied that the procedural requirements of the Act had been complied with and the eviction ground was therefore met.

7. Given the amendments to the Coronavirus (Scotland) Act 2020, the tribunal must be satisfied that the eviction ground is met and that it is reasonable in all of the circumstances to grant the eviction.
  
8. Regarding the reasonableness of granting the order the tribunal noted that the parties have reached an agreement that the eviction should be granted subject to the execution being suspended until 1 December 2021. Having regard to the whole circumstances of the case the tribunal was therefor satisfied that it was reasonable to grant the order.

### **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.**

L. A. Ward

**23 September 2021**

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**Lesley A Ward Legal Member**

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**Date**