



**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/19/1333**

**Re: Property at 87 Springholm Drive, Airdrie, ML6 6NZ (“the Property”)**

**Parties:**

**Mr Asrar Rahmatullah, 17 Thames Close, Hampton, TW12 2ET (“the Applicant”)**

**Mr Aldo Barsotti, 87 Springholm Drive, Airdrie, ML6 6NZ (“the Respondent”)**

**Tribunal Members:**

**Virgil Crawford (Legal Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that**

**BACKGROUND**

1. By lease dated 19 March 2019 the Applicant let the Property to the Respondent;
2. A notice in terms of s32 of the Housing (Scotland) Act 1988 (the “1988 Act”) was served on the Respondent prior to the execution of the lease. The tenancy was, therefore a Short Assured Tenancy;
3. The Applicant served a notice to quit and a notice in terms of s33 of the 1988 Act upon the Respondent, both providing the legally required period of notice;
4. The notice to quit and notice in terms of s33 of the 1988 Act required vacant possession on 18 March 2019;

**THE CASE MANAGEMENT DISCUSSION**

5. The Applicant was not present at the Case Management Discussion but was represented by Miss N. Caldwell of Messrs TC Young, Solicitors, Glasgow;

6. The Respondent was present and was represented by Miss A. Turley of Messrs Trainor Alston, Solicitors, Coatbridge;
7. The Respondent accepted that the notices served effectively ended the tenancy and that the Tribunal would require to grant an order evicting the Respondent from the Property;
8. The Tribunal found the following facts admitted or proved:-
  - i. By lease dated 19 March 2019 the Applicant let the Property to the Respondent;
  - ii. A notice in terms of s32 of the Housing (Scotland) Act 1988 was served on the Respondent prior to the execution of the lease. The tenancy was, therefore a Short Assured Tenancy;
  - iii. The Applicant served a notice to quit and a notice in terms of s33 of the 1988 Act upon the Respondent, both providing the legally required period of notice;
  - iv. The notice to quit and notice in terms of s33 of the 1988 Act required vacant possession on 18 March 2019;
9. The Respondent remained in occupation of the Property;

## DECISION

The Tribunal grants order to Officers of Court to eject the Respondent and family, servants, dependants, employees and others together with their goods, gear and whole belongings forth and from the Property at 87 Springholm Drive, Airdrie, ML6 6NZ and to make the same void and redd that the Applicant or others in his name may enter thereon and peaceably possess and enjoy the same.

The order is not to be executed prior to 12 noon on 5 August 2019

## 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.**

Virgil Crawford

28 June 2019

Legal Member/Chair

Date