

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/18/1448

Re: Property at 2/1, 95 Causeyside Street, Paisley, PA1 1TU (“the Property”)

Parties:

Mrs Ann Sharma, 17 High Calside, Paisley, PA2 6BY (“the Applicant”)

Mrs Hanan Al Khalifi, 2/1, 95 Causeyside Street, Paisley, PA1 1TU (“the Respondent”)

Tribunal Member:

Nicola Irvine (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant is entitled to the Order sought for recovery of possession of the property.

Background

The Applicant submitted an application seeking an order to evict the Respondent from the property at 2/1, 95 Causeyside Street, Paisley. The Tribunal intimated the application to the parties by letter of 8th September 2018 and advised them of the date, time and place of today’s case management discussion. In that letter, the parties were also told that they required to attend the case management discussion and were informed that the Tribunal could make a decision today on the application if the Tribunal has sufficient information and considers the procedure to have been fair.

The Case Management Discussion

The Applicant was represented by Mr Ralston, solicitor. The case management discussion proceeded in the absence of the Respondent. Mr Ralston advised that the Applicant seeks to rely upon Section 33 of the Housing (Scotland) Act 1988. The

Applicant's position was that the conditions set out in Section 33 of the Act have been met and the short assured tenancy terminated at the ish.

Findings in Fact:

1. The Applicant and the Respondent entered into a Tenancy Agreement dated 20th November 2017. The period of the tenancy was from 20th November 2017 to 21st May 2018.
2. The Applicant's agent served notice on terms of Section 33 of the Housing (Scotland) Act 1988 on 15th March 2018 indicating that the Respondent was required to move from the property by 21st May 2018.
3. The Applicant's agent served a Notice to Quit on 15th March 2018 indicating that the Respondent required to remove from the property by 21st May 2018.
4. The short assured tenancy had reached its ish.
5. Tacit relocation was not operating.
6. No further contractual tenancy is in operation.
7. The Applicant is entitled to the Order sought for repossession.

Reason for Decision

The Tribunal proceeded on the basis of the written documents which were before it. The Applicant's representative invited the Tribunal to make the Order sought. The Applicant relied upon Section 33 of the Act. The notice had been properly served. The Tribunal was satisfied that conditions of Section 33 had been met. There was nothing before the Tribunal challenging or disputing any of the evidence before it.

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.

Where such an appeal is made, the effect of the decision and of any order is suspended until the appeal is abandoned or finally determined by the Upper Tribunal, and where the appeal is abandoned or finally determined by upholding the decision, the decision and any order will be treated as having effect from the day on which the appeal is abandoned or so determined.

Nicola Irvine

Legal Member/Chair

8th October 2018

Date