

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/19/1878

Re: Property at 156 Croftside Avenue, Glasgow, G44 5ND (“the Property”)

Parties:

Mr Graeme Chrichton, Mr Dave Wilson, 33 Rowallan Castle Estate, Kilmaurs, KA3 2DP; 54 Paidmyre Road, Newton Mearns, Glasgow, G77 5AJ (“the Applicant”)

Ms Debra Riddell, 156 Croftside Avenue, Glasgow, G44 5ND (“the Respondent”)

Tribunal Members:

Nairn Young (Legal Member)

Decision (in absence of the Respondent)

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

- Background

This is an application for an order for possession of the Property, which is let to the Respondent by the Applicant in terms of a short assured tenancy. It called for case management discussion at 11:30am on 4 September 2019. The Applicant was not present in person, but was represented by Ms McCann of McIntosh McCann Solicitors. The Respondent was not present or represented.

- Findings in Fact

1. The Property is let to the Respondent by the Applicant in terms of a tenancy agreement which commenced on 9 May 2017. The terms of the agreement described it as running, “on a four-weekly basis until 9 November 2017. Then on a four weekly basis until landlord or tenant gives notice to quit.”

2. On 20 February 2019, the Applicant served, among other documents, a notice asking the Respondent to quit the Property, "on or before expiry of your Lease on the 9th May 2019."

- Reasons for Decision

3. The tenancy was running on a four-weekly basis from 9 November 2017, which is different from running from month to month. The notice served on 20 February 2019 purported to bring the tenancy to an end on a date 546 days, or 19.5 four-weekly periods, after 9 November 2017. That is not a valid ish date. It is thus without effect and the contractual tenancy remains in existence.

4. This application is brought in terms of section 33 of the Housing (Scotland) Act 1988. In order for an order for possession to be granted in terms of that provision, a landlord must satisfy the Tribunal that, among other things, the short assured tenancy has reached its ish. As that is not the case, the application should be refused.

- Decision

Application refused.

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.

Nairn Young

Legal Member/Chair

4 SEPTEMBER 2019

Date