



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 33 of the Housing (Scotland) 1988 (“the Act”).

Chamber Ref: FTS/HPC/EV/20/2295

Re: Property at Flat 0/2 53 Sandaig Road, Glasgow, G33 4TA (“the Property”)

Parties:

Mrs Jacqueline Lynn, 56 Briancroft Drive, Robroyston, Glasgow, G33 1RE (“the applicant”)

Mr Christopher Neilly & Ms Nicole McNicol, Flat 0/2 53 Sandaig Road, Glasgow, G33 4TA; Flat 0/2 53 Sandaig Road, Glasgow, G33 4TA (“the respondents”)

Tribunal Member:

David Preston (Legal Member)

Decision (in absence of the first named respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the order for eviction and recovery of possession be granted.

Background:

This is an application for eviction and recovery of possession following upon the termination of a Short Assured Tenancy (SAT) in terms of section 33 of the Act and Rule 66 of the Tribunal Procedure Rules.

The Tribunal had regard to the following documents:

1. Application dated 2 November 2020;
2. SAT dated 7 May 2017;
3. AT5 dated 7 May 2017;
4. Section 33 Notice dated 3 March 2020;
5. Notice to Quit dated 3 March 2020;
6. Sheriff Officer Certificate of Service of Notice to Quit and Section 33 Notice dated 5 March 2020;
7. Notice to Local Authority under Section 11 of the Homelessness etc (Scotland) Act 2003.

Case Management Discussion (CMD)

The CMD was convened by telephone at 14.00 on 5 January 2021, in accordance with the provisions for dealing with business during the COVID-19 pandemic. Ms Kirsty Morrison attended by phone on behalf of the applicant. The second named respondent and her representative, Ms Kasia Prochaskia, also attended by phone. There was no appearance by or on behalf of the first named respondent.

The tribunal was satisfied that the application and accompanying papers had been served upon both respondents on 20 November 2020 conform to Certificate of Service by Sheriff Officer dated 24 November 2020.

The tribunal determined that the first named respondent had chosen not to respond to the application and had voluntarily waived his right to be present or represented and it was content to proceed in his absence.

Ms Morrison confirmed the applicant's position that the Tribunal should grant the order sought as the paperwork was in order and the requirements of section 33 satisfied.

The Tribunal considered the documents and what had been said. The Tribunal made the following findings in fact:

1. The Parties entered into the SAT commencing 7 May 2017;
2. Notice to Quit and Section 33 Notice had been validly served on 5 March 2020;
3. The SAT had been terminated on 7 May 2020;
4. Tacit relocation was no longer operating;
5. Section 11 notification had been given to the local authority; and
6. The respondents remained in occupation of the Property.

The tribunal considered the requirements of section 33 and was satisfied that they were met.

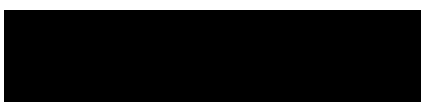
The tribunal noted that the second named respondent proposed no defence to the application and the first named respondent had made no representations.

The tribunal considered that it had sufficient information to make a decision at this stage and that the procedure was fair.

The tribunal granted the order for eviction and recovery of possession 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.



5 January 2021