



**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 (Act)**

Chamber Ref: FTS/HPC/EV/19/2749

**Re: Property at 13 Westfield Road, Port Glasgow, Inverclyde, PA14 6BZ (“the
Property”)**

Parties:

**Mr Paul Wilkinson, C/O Ladywell Business Centre, 94 Duke Street, Glasgow,
G4 0UW (“the Applicant”)**

**Miss Abby Allen, Mr Scott Boyd, 13 Westfield Road, Port Glasgow, Inverclyde,
PA14 6BZ; 13 Westfield Road, Port Glasgow, Inverclyde, PA14 6BZ (“the
Respondent”)**

Tribunal Members:

Alan Strain (Legal Member)

Decision (in absence of the 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 under Rule 66 of the Tribunal procedure Rules and section 33
of the Act for recovery of possession and eviction in respect of the Property following
the termination of a Short Assured Tenancy (**SAT**).

The Tribunal had regard to the following documents:

1. Application received 3 September 2019;
2. Section 11 Notice;
3. Section 33 Notice and Notice to Quit both dated 6 June 2019;
4. Sheriff Officer Certificate of Service of Notices dated 11 June 2019;
5. SAT commencing 19 May 2017;

6. AT5 dated 18 May 2017;
7. Sheriff Officer Certificate of Service of CMD Notification dated 18 November 2019.

Case Management Discussion (CMD)

The case called for a CMD on 16 December 2019. The Applicant was not present but was represented. The Respondent did not appear and were not represented.

The Tribunal was satisfied that the Respondent had received notification of the CMD by virtue of the Sheriff Officer's certificate of service. The Respondent was aware that the Tribunal could proceed in absence and if satisfied that it had sufficient information to do so and the procedure was fair, could determine the matter.

The Tribunal decided to proceed in absence and considered the documentation lodged with the application. The Tribunal made the following findings in fact from the documentation:

1. The Parties entered in to an SAT commencing 19 May 2017;
2. AT5 was served 18 May 2017;
3. Notice to Quit and Section 33 Notices were served on the Respondent on 11 June 2019;
4. Section 11 Notice had been given to the Local Authority;
5. The SAT had terminated on 19 August 2019;
6. Tacit relocation was not operating;
7. No contractual tenancy was in existence;
8. The Respondent remained in occupation of the Property.

The Tribunal was satisfied that it had sufficient information to determine the matter and that the procedure was fair. The Tribunal considered that the requirements of section 33 were met and that the order for recovery of possession and eviction should be granted.

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.

Alan Strain

Legal Member/Chair

16 December 2019

Date