



**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/19/2967**

**Re: Property at 27 Lewars Avenue, Dumfries, DG2 0LS (“the Property”)**

**Parties:**

**Mrs Irene Wilson, c/o 31A North Bridge Street, Bathgate, West Lothian, EH48  
4PJ (“the Applicant”)**

**Miss Erin Bedford, Mr Dylan Glazer, 27 Lewars Avenue, Dumfries, DG2 0LS  
 (“the Respondent”)**

**Tribunal Members:**

**Alan Strain (Legal Member)**

**Decision**

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

**Background**

This is an application under section 33 of the Act and Rule 66 of the Tribunal  
Procedure Regulations seeking eviction and recovery of possession following  
termination of a Short Assured Tenancy (**SAT**).

The Tribunal had regard to the following documents:

1. Application received 20 September 2019;
2. SAT commencing 15 January 2016;
3. AT5 dated 15 January 2016;
4. Notice to Quit and Section 33 Notices dated 10 July 2019;
5. Section 11 Notice to Local Authority;
6. Proof of Posting and Receipt of Notices dated 12 July 2019;

7. Sheriff Officer's Certificate of Service of CMD Notification dated 11 November 2019.

### **Case Management Discussion (CMD)**

The Applicant appeared and was represented by Ms Matheson, Solicitor. The Second Respondent appeared and was not represented.

The Tribunal noted that the First Respondent had not been served as she had left the Property some months ago. The Tribunal could not grant any order against her in the circumstances.

The Second Respondent contended that his name was incorrectly spelt on the SAT as "Blazer". He said he had explained that to the Applicant's Letting Agents and also that the First Respondent's name should have been taken off the SAT after she had left. They had never done so. He accepted he had signed the SAT, been in occupation throughout the tenancy and paid rent.

The Tribunal informed the Second Respondent that he had clearly accepted the terms of the SAT.

The Tribunal considered the documentation before it and made the following findings in fact:

1. The Parties entered into the SAT commencing 15 January 2016;
2. Notice to Quit and Section 33 Notices were both served on 10 July 2019;
3. Section 11 Notice was served on the local authority;
4. The SAT terminated on 14 September 2019;
5. Tacit Relocation is no longer operating;
6. No further contractual tenancy is in existence.

The Tribunal then considered section 33 of the Act. The Tribunal was satisfied that the requirements of section 33 were met and accordingly the Tribunal had no discretion other than to grant the order sought against the Second Respondent.

### **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.**

A.Strain

10 December 2019

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**Legal Member/Chair**

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**Date**