



**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/18/3405**

**Re: Property at Flat 0/2, 2172 Dumbarton Road, Glasgow, G14 0JJ (“the  
Property”)**

**Parties:**

**Mr Brian Howard Caplan, 14 Falkland Avenue, Newton Mearns, Glasgow, G77  
5DR (“the Applicant”) per his agents, TC Young, Solicitors, 7, West George  
Street, Glasgow, G2 1BA (“the Applicant’s Agents”)**

**Ms Stacey Paterson, Flat 0/2, 2172 Dumbarton Road, Glasgow, G14 0JJ (“the  
Respondent”)**

**Tribunal Members:**

**Karen Moore (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 Possession be granted**

1. By application dated 6 December 2018 (“the Application”), the Applicant's Agents, on behalf of the Applicant, made an application to the Tribunal for a possession order in terms of Section 33 of the Act and in terms of Rule 66 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”). A copy of the tenancy agreement between the parties, a copy of a Notice to Quit with proof of service and a copy of notice in terms of Section 19A of the Act to Glasgow City Council with proof of service were lodged as part of the Application.
2. On 27 December 2018, a legal member of the Tribunal with delegated powers of the Chamber President accepted the Application and a Case Management Discussion (“CMD”) was fixed for 21 February 2019 at 10.00 at The Glasgow Tribunals Centre, Room 109, 20 York Street, Glasgow, G2 8GT. The CMD was intimated to both parties.

3. The Respondent made no written representations to the Tribunal in respect of the Application.

#### **Case Management Discussion**

4. The CMD took place on 21 February 2019 at 10.00 at the said Glasgow Tribunals Centre. The Applicants was not present and was represented by Miss Nicola Caldwell of the Applicants' Agents who confirmed the Order sought. The Respondent was not present.

#### **Findings in Fact**

5. From the Application and the CMD, I found that a tenancy agreement had existed between the parties until terminated by the Applicant by virtue of a Notice to Quit served on the Respondent by the Applicant's Agent. I found that the notice in terms of Section 19A of the Act had been properly intimated to the relevant local authority.

#### **Decision and Reasons for Decision**

6. Having found that the tenancy had been terminated and the correct procedure followed, I then had regard to Rule 17(4) of the Rules which state that the Tribunal "may do anything at a case management discussion which it may do at a hearing, including make a decision" and, accordingly, I determined to grant an order for possession.

#### **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.**

K. Moore

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**Legal Member/Chair**

*21 February 2019*

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**Date**