

Housing and Property Chamber
First-tier Tribunal for Scotland



Decision 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/19/3415

Re: Property at 35 Redgrave, East Kilbride, G74 3QY (“the Property”)

Parties:

Ms Lorraine Hughes, 27 Bloomingdale Drive, East Kilbride, G75 8WD (“the Applicant”)

Mr Derek John Cleary, 35 Redgrave, East Kilbride, G74 3QY (“the Respondent”)

Tribunal Members:

Mark Thorley (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order of possession of the property be made.
Background

- 1. The applicant applied to the First-tier Tribunal under Rule 66 for recovery of possession of the property. Accompanying the application was a copy of the Tenancy Agreement, AT5, Notice to Quit, Section 33 and Sheriff Officers’ execution of service, Section 11 Notice and email to Local Authority intimating the Section 11 Notice.**
- 2. There were no written representations made by the respondent.**

Case Management Hearing

- 1. At the case management hearing Ms Morrison appeared on behalf of the applicant. There was no appearance by or for the respondent.**

Findings in Fact

Mark Thorley

1. That a Short Assured Tenancy Agreement existed between the parties dated 18 December 2015.
2. On 13 June 2019 the applicant served upon the respondent a Notice to Quit.
3. The paperwork was in order.
4. An order for possession should be granted.

Reasons for decision

1. The applicant's solicitor appeared at the case management discussion and confirmed the information contained within the documents. All the paperwork was in order. There was no appearance by or for the respondent and no written representations. In the circumstances an order for possession 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.

Since an appeal is only able to be made on a point of law, a party who intends to appeal the tribunal's decision may wish to request a Statement of Reasons for the decision to enable them to identify the point of law on which they wish to appeal. A party may make a request of the First-tier Tribunal for Scotland (Housing and Property Chamber) to provide written reasons for their decision within 14 days of the date of issue of this decision.

Where a Statement of Reasons is provided by the tribunal after such a request, the 30 day period for receipt of an application for permission to appeal begins on the date the Statement of Reasons is sent to them.

Mark Thorley

Legal Member/Chair

Date

20 December 2019