

**Housing and Property Chamber**  
First-tier Tribunal for Scotland

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**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/18/2136**

**Re: Property at 67 Mellerstain Drive, Glasgow, G14 0LJ (“the Property”)**

**Parties:**

**Mrs Shirley Baker, Villa Q1 District 16, Jumeirah Village Circle, PO Box 488216, Dubai, United Arab Emirates (“the Applicant”)**

**Miss Angela Wilson, Mr Craig McKechnie, 67 Mellerstain Drive, Glasgow, G14 0LJ (“the Respondent”)**

**Tribunal Members:**

**Colin Dunipace (Legal Member)**

**Decision (in absence of the Respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an Order should be made in terms of section 33 of the Housing (Scotland) Act 1988.**

**This matter called as a Case Management Discussion in Glasgow Tribunal Centre on 29 November 2018. The Applicant was not present but was represented by Ms Morrison, Paralegal, Messrs TC Young and Co. The Respondents were not present or represented. I considered therefore the question of service and in this regard I have noted that there were Certificates of Intimation from Nelson James, Sheriff Officers, indicating that lawful service had been effected on both Respondents on 9 November 2018. In these circumstances I determined that the Case Management Discussion could proceed in the absence of the Respondents.**

**For the Applicant Ms Morrison indicated that an Order was being sought in terms of section 33 of the Housing (Scotland) Act 1988. In support of this position Ms Morrison indicated that the parties had originally entered into a Short Assured Tenancy on 21 July 2018. The date in relation to this tenancy was therefore 21 July 2018. The Applicant had served upon both Respondents**

a Notice to Quit by recorded delivery on 4 May 2018 in terms of section 33(1) (d) of the Housing (Scotland) Act 2018 stating that possession of the property was required as at 21 July 2018. Notice of service had been provided in this regard. The Applicant stated that Tacit Relocation was not operating and that no further contractual tenancy was in existence. The Applicant's representative also indicated that whilst the Respondents remained within the property that there were outstanding arrears of rent.

Having considered the available evidence I found the following facts to be proved:

1. That the Applicant and the Respondents entered into a Short Assured Tenancy on 21 July 2018. The ish date in relation to this tenancy was 21 July 2018.
2. The Applicant served a Notice to Quit upon both of the Respondents on 4 May 2018 stating that the Applicant required possession of the property as at 21 July 2018.
3. The Respondents had not vacated the property rendering these proceedings necessary.

Having regard to the foregoing circumstances I determined that the Respondents had voluntarily absented themselves from the Case management Discussion and that it would be appropriate to make the Order sought by the Applicant having regard to the foregoing factual position.

#### 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.

Colin Dunipace

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Legal Member/Chair

29/11/18  
Date