



**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/19/0376**

**Re: Property at 1/2, 41 Seedhill Road, Paisley, PA1 1SD (“the Property”)**

**Parties:**

**Mr Edward Swan, 11 Wolfe Avenue, Newton Mearns, Glasgow, East Renfrewshire, G77 6TQ (“the Applicant”)**

**Mr Kenneth Storer, 1/2, 41 Seedhill Road, Paisley, PA1 1SD (“the Respondent”)**

**Tribunal Members:**

**Martin McAllister (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) granted an order against the Respondent for possession of the Property under section 33 of the Housing (Scotland) Act 1988.**

**Background**

This is an application for an order of possession upon termination of a short assured tenancy.

The tenancy agreement dated 15<sup>th</sup> December 2016 stated a termination date of 15<sup>th</sup> December 2017 and there is provision in the lease for the tenancy to continue thereafter on a monthly to month basis.

The Applicant served Notice to Quit and an AT6 form on the Tenant. These were dated 13<sup>th</sup> November and proof of service on the Tenant on 14<sup>th</sup> November was produced. In terms of the Notice to Quit the Tenant was required to leave the Property on 15<sup>th</sup> January 2019.

**Case Management Discussion**

Ms Caitlyn Haddow was in attendance and represented the Applicant. There was no appearance by the Respondent.

The purpose of a case management discussion was explained.

Ms Haddow referred the Tribunal to the copies of the Notice to Quit, AT6 form and notice served on the Local Authority in terms of the Homelessness etc. (Scotland) Act 2003. She indicated that, after the notice had expired on 15<sup>th</sup> January 2019, numerous attempts had been made to contact the Respondent to arrange for him to remove himself from the Property. She said that the respondent was still in the Property and that there were rent arrears. Ms Haddow invited the Tribunal to grant the order sought without the need for a Hearing.

### **Findings in Fact.**

1. The Respondent is a tenant of the Property by virtue of the Tenancy Agreement dated 15<sup>th</sup> December 2016.
2. The lease continued by tacit relocation until a Notice to Quit and AT6 form were served on the Respondent said period of notice expiring on 15<sup>th</sup> January 2019.
3. The appropriate notice under the Homelessness etc. (Scotland ) Act was served on the relevant local authority.
4. The Respondent has not vacated the Property.

### **Reasons:**

The documentation submitted with the Application and the representations made by the Applicant's representative. I saw no reason for the matter not to be determined today and granted the order of possession. The Tenancy had reached its ish, tacit relocation had been stopped by service of the Notice to Quit and no further contractual tenancy is in place.

### **Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) granted an order against the Respondent for possession of the Property under section 33 of the Housing (Scotland) Act 1988.**

### **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.**

**M McAllister**

**Legal Member/Chair**

**29th April 2019**  
**Date**