

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



**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/18/3260**

**Re: Property at 5 Ledcameroch Crescent, Bearsden, Glasgow, G61 4AD (“the Property”)**

**Parties:**

**Mr Andrew Hashmi, Ms Marie Queen, 476 Transit Road, Victoria V8S 4Z5, British Columbia, Canada (“the Applicant”)**

**Mr David Reid, Waterside Classics, 428 Helen Street, Govan, Glasgow, G51 3HR (“the Respondent”)**

**Tribunal Members:**

**Melanie Barbour (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that**

Background

1. An application was received under rule 66 of the First Tier Tribunal for Scotland (Housing and Property Chamber) (Procedure) Regulations 2017 (“the 2017 Rules”) seeking recovery of possession under a short assured tenancy by the Applicants against the Respondent for the property.
2. The application contained :-
  - A copy of the tenancy agreement,
  - a copy of the AT5,
  - a copy of the Section 33 Notice,
  - a copy of the Notice to Quit,
  - certificate of service by sheriff officers for the notice to quit and the section 33 notice, Section 11 Notice together with proof of service, and

- letter of authorisation by trustees of the property
3. The Notice of the Hearing had been served on the Respondent by sheriff officers on 6 February 2019.
  4. The Applicants' agent, Nicola Caldwell, from Messrs T C Young appeared on behalf of the Applicants'. The Respondent did not appear. As I was satisfied that the Respondent had been given formal notice of the today's case management discussion I was prepared to proceed in his absence.

#### Case Management Discussion

5. The Applicants referred me to the papers which had been lodged in support of the application, including the tenancy agreement, AT5, notice to quit, Section 33 notice and certificate of service.

#### Findings in Fact

6. I found the following facts established:-
7. That there was a tenancy agreement between the Applicants and the Respondent in respect of the property.
8. That it had commenced on 22 October 2016 for an initial period of 6 months until 22 April 2017, and it continued thereafter on a month to month basis.
9. The tenancy agreement had been signed by the parties on 22 October 2016.
10. The AT5 Form was in the prescribed format and there was evidence that it had been given to the Respondent prior to the creation of the tenancy agreement.
11. That Clause 18 of the tenancy agreement dealt with termination of the tenancy and provided that in the event that that the landlord wished to terminate the lease they had to provide two months' written notice in terms of section 33 of the Housing (Scotland) Act 1988 ("1988 Act"); and serve a notice to quit.
12. The notice to quit and section 33 notices contained the prescribed information and both were dated 19 September 2018, both sought vacant possession as at 22 November 2019. Both provided more than 2 months' notice of vacant possession. A certificate of intimation of these notices by sheriff officers was lodged confirming that the notices had been served on the Respondent on 20 September 2018.

#### Reasons for Decision

13. Section 33 of the 1988 Act requires me to grant an order for possession under a short assured tenancy, where the tenancy has reached its ish; tacit relocation is not operating; no further contractual tenancy for the time being is

in existence; and the landlord has given notice to the tenant that they require possession of the house.

14. I was satisfied that a short assured tenancy had been created.

15. I was satisfied with the terms of the section 33 notice and the notice to quit. I was also satisfied that these notices had been served on the Respondent.

16. I was satisfied that the requirements of section 33 had been met and I consider therefore that I am required to grant an order for eviction under that section of the 1988 Act

### Decision

I grant an order in favour of the Applicants against the Respondent for recovery of possession of the property.

### **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 Barbour

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**Legal Member/Chair**

26.2.19  
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**Date**