

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/18/0242

**Re: Property at 12 Boydstone Place, Thornliebank, Glasgow, G46 8LB (“the
Property”)**

Parties:

**Mr Zameer Ahmed, Mr Mohammed Yasin, 43 Carmichael Place, Glasgow, G42
9UE (“the Applicant”)**

**Miss Claire Donald, 12 Boydstone Place, Thornliebank, Glasgow, G46 8LB
 (“the Respondent”)**

Tribunal Members:

Alison Kelly (Legal Member)

The hearing was attended by Javaid Haq, director of Martin & Co, and Lynda Nivison, also from Martin & Co, representing the Applicant. There was no appearance by the Respondent.

Background

The Application was brought seeking eviction in terms of section 33 of the Housing (Scotland) Act 1988.

Case Management Discussion

Mr Haq for the Applicant told the Tribunal that the tenant had occupied the property for some years but it had, in the last 18 months, been increasingly difficult, and latterly impossible to contact her. The Landlord was worried about compliance issues in relation to gas safety checks. The Agents had visited the property at least 15 times but had got no reply. The Respondent has several dogs who bark whenever the Agents approach. The Landlord wished to bring the tenancy to an end and Mr Haq moved the Tribunal to do so.

Findings In Fact

1. The parties entered in to a short Assured Tenancy by way of lease dated 16th June 2011, with the tenancy commencing on 20th June 2011.
2. An AT5 was served at the time the tenancy was created.
3. Notice To Quit and section 33 Notice were served on 20th June 2017, bringing the tenancy to an end as at 20th December 2017.
4. Section 11 Notice was served on the local authority.

Reason For Decision

The notices had been served correctly and there was no appearance by the Respondent.

Decision (in absence of the Respondent)

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

A Kelly

Legal Member/Chair

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Date

19/3/18