

**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/18/0419**

**Re: Property at 23A Dalziel Drive, Glasgow, G41 4JA (“the Property”)**

**Parties:**

**Dr Neil Mara, 14 Hill Rise Avenue, Harrogate, HG2 0AF (“the Applicant”)**

**Mrs Mussie Harrison, 23A Dalziel Drive, Glasgow, G41 4JA (“the Respondent”)**

**Tribunal Members:**

**Gabrielle Miller (Legal Member)**

**Decision**

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

- The parties entered into a Short Assured Tenancy Agreement on 20th December 2016;
- The term of the tenancy was from 20<sup>th</sup> December 2016 to 21<sup>st</sup> June 2017 and monthly thereafter until terminated by either party giving notice;
- Following the expiry of the initial term the tenancy continued from 22<sup>nd</sup> June 2017 to 21<sup>st</sup> July 2017 and monthly thereafter;
- On 24th November 2017 the Applicant served on the Respondent a Notice to Quit and a Notice under section 33 of the Housing (Scotland) Act 1988 in terms of which the Respondent required to remove from the Property by 21<sup>st</sup> February 2018;
- The Respondent had failed to remove from the Property by 21<sup>st</sup> February 2018;
- The tenancy had reached its end;
- Tacit relocation is not operating;
- Mr Steven Strachan (the Applicant’s representative), the Respondent and the Respondent’s husband attended the hearing.
- The section 33 notice and the Notice to Quit were served by Sheriff Officers.

- The Respondent agreed that the section 33 notice and Notice to Quit had been served upon her in the above terms and that she had received them.
- The Respondent and her husband are in the process of trying to purchase the Property with an anticipated purchase within 4 weeks. This is not a matter for the Tribunal.
- The Applicant is entitled to recover possession of the Property, having been asked by the Applicant's representative to do so, the Tribunal made a decision in favour of the Applicant to that effect.

### **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.**

Gabrielle Miller

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**Legal Member/Chair**

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**Date**

10 MAY 18