



**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/20/0354**

**Re: Property at 19 Lindrick Drive, Glasgow, G23 5QR (“the Property”)**

**Parties:**

**Northwood (Glasgow) Ltd, Unit 4, Skypark 5, 45 Finnieston Street, Glasgow, G3  
8JU (“the Applicant”)**

**Ms Susan McGready, 19 Lindrick Drive, Glasgow, G23 5QR (“the Respondent”)**

**Tribunal Members:**

**Jan Todd (Legal Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the  
Tribunal”) determined that an order for eviction should be granted**

- **Background**

- 1. This was a case management discussion to consider the application made by the Applicant dated 26<sup>th</sup> January 2020 for an order for repossession of the Property in terms of Rule 66 of the Tribunal Rules. The CMD had been scheduled to take place on 16<sup>th</sup> April 2020 but had to be postponed due to the Covid 19 pandemic. The CMD took place by teleconference as a result of the current requirement for social distancing.
  2. The Applicant is the Landlord in a Short Assured Tenancy with the Respondent who is the tenant. The Applicant has title and interest by virtue of having a lease of the property from the owner. Mr Barry Sullivan.
  3. The Applicant was represented at the CMD by Mr Keith Robbins a Director of the Applicant Company and Ms Isabelle Harte.
  4. The Respondent joined the teleconference CMD slightly late but confirmed she had the papers
  5. The Applicant had lodged and the Tribunal had sight and considered the following documents:-

- a. Application for repossession dated 26<sup>th</sup> January 2020
- b. Copy Tenancy Agreement for the Property dated 14<sup>th</sup> and 15<sup>th</sup> March 2013
- c. Copy AT5 Notice dated 14<sup>th</sup> March 2013
- d. Notice to Quit dated 23<sup>rd</sup> October 2019
- e. S33 Notice dated 23<sup>rd</sup> October 2019
- f. Copy certificate of posting of Notice to Quit and S33
- g. Track and trace signed by S McGreevy dated 24<sup>th</sup> October 2019
- h. S11 notice to Glasgow City Council dated 26<sup>th</sup> January 2020
- i. Response to a direction from the Tribunal confirming the first ish date was the 14<sup>th</sup> of September 2013 as the whole of the 15<sup>th</sup> March 2013 being the first day of the lease is included and the term was for 6 months in total.

### **The Hearing**

6. The Legal Member explained the purpose of the hearing and advised that the Tribunal could do anything at a case management discussion which it may do at a hearing.
7. The Respondent, who is the tenant, confirmed that she had taken advice from Shelter and a housing solicitor. She had no legal position to submit and understood the Applicant was entitled to get the Property back however she did complain she had no help from the Council as she still had a roof over her head. She did feel the landlord had been fair to her.
8. Mr Robbins for the Applicant confirmed they wished to proceed with repossession of the Property and advised the landlord was looking for an order for possession today as he submitted all the notices had been served and an order should therefore be granted in terms of S33 of the Act. He also confirmed that if he got a decision from the Tribunal today he would try and assist the Respondent with her attempts to get a new tenancy.

### **Findings in Fact**

9. The Applicant and Respondent have entered into a short assured tenancy of the Property for a period of 6 months from and including 15<sup>th</sup> March 2013.
10. The Applicant is the Landlord and served a Form AT5 on the Respondent who is the Tenant prior to the creation of the tenancy.
11. The Tenancy is a Short Assured Tenancy in terms of the Housing (Scotland) Act 1988.
12. The rent is £ 430 per calendar month.
13. The Applicant has served by recorded delivery, a Notice to quit and S33 notice on the Respondent terminating the contractual tenancy and giving notice that they required possession of the Property by 14<sup>th</sup> January 2020 being the termination date of the tenancy.
14. The Respondent who is the tenant has not vacated the property or responded to the Notice to Quit or S33 notice.
15. The Respondent has been served notice of this application and has no legal representations to make in relation to this Application. She accepts the Landlord is entitled to repossess the Property.

### **Reasons for Decision**

16. The Applicant has entered into a Short Assured Tenancy with the Respondent.
17. S33 of the Act says "Without prejudice to any right of the landlord under a short assured tenancy to recover possession of the house let on the tenancy in accordance with sections 12 to 31 of this Act the First Tier Tribunal for Scotland shall make an order for possession of the house if it is satisfied-
- a) That the short assured tenancy has reached its ish
  - b) That tacit relocation is not operating
  - c) That no further contractual tenancy is for the time being in existence and
  - d) That the landlord (or where there are joint landlords, any of them) has given to the tenant notice stating that he requires possession of the house.

The period of notice required to be given and given under S33 (1) (d) above is two months, in accordance with the legislation and the terms of the tenancy.

18. The Short Assured tenancy has reached its ish, tacit relocation is not operating and there is no further contractual tenancy in existence, so the Applicant having given adequate notice in terms of S33 above, is entitled to repossess the Property. There is no discretion to the Tribunal in these circumstances.
19. The Tribunal is able to make any order at a case management discussion as it can after a Hearing.
20. Considering the Respondent made no objections and advised that she had sought advice from Shelter and a housing lawyer, the Tribunal felt it was reasonable, and balancing the interests of both parties, appropriate and just to grant a full order for repossession at this hearing.

- **Decision**
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An order for eviction was 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.**

**J. T**

**15<sup>th</sup> July 2020**

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**Legal Member/Chair**

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**Date**