

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 (“the Act”).

Chamber Ref: FTS/HPC/EV/19/1009

Re: Property at 1 St Andrews Court, Bellshill, North Lanarkshire, ML4 1FD (“the Property”)

Parties:

Adelphi Scott Limited, 19 Adelphi, Aberdeen, AB11 5BL (“the Applicant”)

Mr John Pender, 1 St Andrews Court, Bellshill, North Lanarkshire, ML4 1FD (“the Respondent”)

Tribunal Members:

David Preston (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for eviction by granted in favour of the Applicants.

Background

1. By application dated 1 April 2019 the Applicants applied to the First-tier Tribunal under Rule 66 of the First-tier for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”). The application was accompanied by:
 - Tenancy Agreement dated 27 October 2016;
 - Form AT5 dated 27 October 2016;
 - Notice to Quit dated 24 January 2019;
 - Notice under section 33 of the Act dated 24 January 2019;
 - New Landlord Notification letter dated 22 November 2017;
 - Sheriff Officers Certificate of Execution of Service dated 25 January 2019 and;
 - Notice to Local Authority under section 11 of the Homeless etc (Scotland) Act 2004.
2. By Decision dated 11 April 2019, a Convener of HPC having delegated power for the purpose, referred the application under rule 9 of the Rules to the tribunal. A letter of Intimation with Notice of the Case Management Discussion to be held 29 May 2019 at 10.00 in Glasgow Tribunals Centre, Room 110, 20 York Street, Glasgow G2 8GT,

together with the case papers was served on the tenant by Sheriff Officers on 24 April 2019. The tribunal was provided with a copy of the Sheriff Officer's Certificate of Intimation thereof.

3. The tribunal was satisfied that all relevant documents and intimation of today's hearing had been duly served on the respondent and that the requirements of Rule 24 had been complied with.

The Case Management Discussion (CMD)

4. Ms Elle Piaget, Core Citi Lets, Metro Building, 61 Rose Street, Glasgow G3 6SP appeared on behalf of the applicant. There was no appearance by or on behalf of the respondent. The tribunal determined that the respondent had voluntarily waived his right to be present at the hearing or be represented and was accordingly content to proceed in his absence.
5. The tribunal noted that the Tenancy Agreement of 27 October 2016 had been entered into between the respondent and Caversham Management Ltd, c/o 61 Rose Street, Glasgow G3 6SP. On 22 November 2017 the respondent was sent a New Landlord Notification advising that the landlord was now Adelphi Scott Ltd.

Reasons for Decision

6. Rule 17 of the Regulations states that the tribunal may do anything at a CMD which it may do at a hearing, including making a decision. The tribunal decided that, on the basis of the information presented to it, it was able to determine the application at the CMD.
7. The necessary documentation under Section 33 of the Housing (Scotland) Act having been duly served upon the respondent, and there having been no response or appearance by or on behalf of the respondent, the tribunal was satisfied that an 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.

Mr David Preston

29 May 2019

Legal Member/Chairman