



**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/19/0268**

**Re: Property at 24 Dockers Gardens, Ardrossan, KA22 8GB (“the Property”)**

**Parties:**

**Mr Sean Kelly, 15 Kidsneuk Gardens, Irvine, KA12 8SX (“the Applicant”)**

**Mr Ian Davidson, 24 Dockers Gardens, Ardrossan, KA22 8GB (“the Respondent”)**

**Tribunal Members:**

**Alison Kelly (Legal Member)**

**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.**

**Background**

The Applicant’s Agent lodged an Application on 28<sup>th</sup> January 2019 seeking eviction of the Respondent from the Property.

Lodged along with the Application were:

1. Copy Short Assured Tenancy
2. Copy AT5
3. Copy Notice To Quit
4. Copy section 33 Notice
5. Sheriff Officer’s certificate for proof of service
6. Copy section 11 Notice

**Case Management Discussion**

The Applicant was represented by Patrick Kelly of Trinity Properties. The Respondent did not appear and was not represented.

The Chairperson explained the purposes of a Case Management Discussion and asked Mr Kelly to address her on the Application.

Mr Kelly said that the Notices were served on the Respondent. The Respondent then consulted the Citizens Advice Bureau, who advised him that he did not need to leave until he was evicted.

The Notices expired on 25<sup>th</sup> January 2019. The respondent contacted the Applicant's agent to say that he would not be leaving until he was actually removed.

Mr Kelly submitted that the tenancy had ended on the expiry of the Notices, and on that basis the order should be granted.

The Chairperson agreed.

### **Findings In Fact**

1. The parties entered in to a tenancy agreement in respect of the property.
2. The Applicant served the appropriate notices on the Respondent to bring the tenancy to an end.
3. The Notices were correct and were served timeously.
4. The Tenancy had been brought to an end and tacit relocation was not operating.

### **Reasons For Decision**

The statutory provisions for bringing the tenancy to an end have been complied with. The tenancy is therefore at an end, and it is mandatory to grant the order.

### **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.**

Alison Kelly

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Legal Member/Chair

29/3/19

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Date