



**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/19/0414

Re: Property at 17 Glenbervie Road, Grangemouth, FK3 9LE (“the Property”)

Parties:

**Mr Glen Gerard Kane, Staybridge Suites, PO Box 51133, Abu Dhabi Yas Island,
United Arab Emirates (“the Applicant”)**

**Mr Alexander Victor Wilson, Ms Janice Wilson, 17 Glenbervie Road,
Grangemouth, FK3 9LE (“the Respondents”)**

Tribunal Members:

Mary-Claire Kelly (Legal Member)

Decision (in absence of the Respondents)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined to grant an order for recovery of possession**

Background

1. By application received on 7th February 2019 the applicant sought an order for recovery of possession on the basis of section 33 of the Housing (Scotland) Act 1988 (“the Act”). A separate application seeking payment in respect of rent arrears was received on the same date (FTS/HPC/CV/19/0415).
2. A case management discussion (“CMD”) took place on 1st April 2019 in respect of both applications. The applicant was represented by Mr Alistair Sloan, Inksters solicitors. The respondents were neither present nor represented. The Tribunal was satisfied that the respondents had been served with papers notifying them of the CMD and proceeded with the CMD in their absence.
3. The applicant had lodged with the application a copy lease, form AT5, copy Notice to Quit, copy section 33 notice and proof of service of the various notices.

Case Management Discussion

4. Mr Sloan advised the Tribunal that the respondents may already have moved out of the tenancy subjects. He lodged a second inventory of productions showing photographs of the tenancy. The property appeared to be unoccupied however some items of furniture did remain. Mr Sloan advised that the respondents had not advised the applicant that they were leaving the subjects and had not returned the keys. He submitted that as the tenants had not returned the keys they could return to the property at any time and moved for an order for eviction to be granted.

Findings in Fact

5. Parties entered in a Short Assured Tenancy Agreement in respect of the property at 17 Glenbervie Road, Grangemouth, FK3 9LE.
6. The initial tenancy term was from 1st October 2016 to 30th September 2017. Thereafter the lease continued on a month to month basis, with an ish date of the 30th of any given month.
7. A form AT5 had been served on the respondents prior to the commencement of the lease.
8. A notice to quit dated 20th July 2018 was served on the respondents on 23rd July 2018. The notice required the respondents to leave the property on 30th September 2018.
9. A notice in terms of section 33 of the Act was dated 20th July 2018 and served on the respondents on 23rd July 2018. The notice required the respondents to leave the property on 30th September 2018.

Reasons for decision

10. The applicants have complied with the requirements of section 33 of the Act. Accordingly the Tribunal must grant an order as requested.

Decision

11. The Tribunal determined to grant and order for eviction on the basis of section 33 of the Act.

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.

M C Kelly

Legal member/Chair

Date

1st April 2019