

**Housing and Property Chamber**  
First-tier Tribunal for Scotland

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**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/18/0839**

**Re: Property at 192 Castlemilk Road, Glasgow, G44 4LF (“the Property”)**

**Parties:**

**Ms Mandy Kelly, 27 Rozelle Place, Newton Mearns, G77 6YS (“the Applicant”)**

**Ms Debbie Campbell, 192 Castlemilk Road, Glasgow, G44 4LF (“the Respondent”)**

**Tribunal Members:**

**Neil Kinnear (Legal Member) and Mary Lyden (Ordinary Member)**

**Decision**

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

**Background**

This is an application dated 16<sup>th</sup> April 2018 brought in terms of Rule 66 (Application for order for possession upon termination of a short assured tenancy) of *The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017* as amended.

The Applicant provided with its application copies of the short assured tenancy agreement, form AT5, Notice to Quit, Section 33 notice, Section 11 notice, and relevant executions of service.

All of these documents and forms had been correctly and validly prepared in terms of the provisions of the *Housing (Scotland) Act 1988*, and the procedures set out in that Act had been correctly followed and applied.

## Hearing

A Hearing was held on 25<sup>th</sup> September 2018 at Glasgow Tribunals Centre, 20 York Street, Glasgow. The Applicant did not appear, but was represented by Ms Macphail, solicitor. The Respondent did not appear, but was represented by Ms McKellar, solicitor.

A Case Management Discussion was previously held on 20<sup>th</sup> July 2018. Since that earlier Case Management Discussion took place, the parties had reached agreement that the Tribunal should grant the order sought in this application, and provided the Tribunal with a Joint Minute of Agreement to that effect.

## Statement of Reasons

In terms of Section 33 of the *Housing (Scotland) Act 1988*, the Tribunal shall make an order for possession of the house let on the tenancy if:

- (a) the short assured tenancy has reached its ish;
- (b) tacit relocation is not operating;
- (c) no further contractual tenancy (whether a short assured tenancy or not) is for the time being in existence; and
- (d) the landlord has given to the tenant notice stating that he requires possession of the house.

All of the above criteria have been satisfied in this application, and accordingly the Tribunal shall make an order for possession.

## Decision

In these circumstances, we will make an order for possession of the house let on the tenancy as sought in this application.

## 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.

**Neil Kinnear**

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Legal Member/Chair

25/09/18

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Date