

**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**

**Chamber Ref: FTS/HPC/EV/19/1224**

**Re: Property at 33 Kirksyde Avenue, Kirkintilloch, Glasgow, G66 3DR (“the Property”)**

**Parties:**

**Mr Iain Archer, 7 Ross Avenue, Kirkintilloch, Glasgow, G66 2BW (“the Applicant”)**

**Mr George Palade, 33 Kirksyde Avenue, Kirkintilloch, Glasgow, G66 3DR (“the Respondent”)**

**Tribunal Members:**

**Alison Kelly (Legal Member)**

**Decision**

**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 18<sup>th</sup> April 2019 under Rule 65 of the Tribunal’s Rules of Procedure, seeking eviction of the Respondent from the Property.

Lodged with the Application were:

1. Copy Tenancy Agreement
2. Copy AT5
3. Copy Section 33 Notice
4. Copy Notice To quit
5. Postage and Tracking Receipt
6. Copy section 11 Notice

## Case Management Discussion

The Applicant was represented by Katrina O'Neill of Coda Estates Limited. The Respondent appeared personally.

Miss O'Neill advised the Tribunal that the parties entered in to the tenancy agreement on 14<sup>th</sup> May 2017. The Landlord now wanted to bring the tenancy to an end and Notice To Quit and Section 33 Notice had been served correctly. She submitted that it was mandatory for the Tribunal to grant the eviction.

The Respondent did not have any contradictory position to put forward.

## Findings In Fact

1. The parties entered in to a Tenancy Agreement in respect of the property dated 14<sup>th</sup> May 2017;
2. The initial term of the tenancy was from 14<sup>th</sup> May 2017 to 14<sup>th</sup> November 2017, and monthly thereafter;
3. An AT5 was properly served prior to the commencement of the tenancy;
4. Notice To Quit and Section 33 Notice were served, brought the tenancy to an end at an ish date, and gave sufficient notice.

## Reasons For Decision

The proper procedures in terms of the Housing (Scotland) Act 1988 have been followed and it is mandatory that the eviction order 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.

Alison Kelly

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Legal Member/Chair

28/6/19

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Date