

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/18/1288

**Re: Property at 74 Ash Avenue, East Kilbride, South Lanarkshire, G75 9ES
("the Property")**

Parties:

**Mr Brendan Connor, Mrs Shirley Connor, 34 Hawthorn Way, Cambuslang,
Glasgow, G72 7AF ("the Applicants")**

**Miss Laura Murray, 74 Ash Avenue, East Kilbride, South Lanarkshire, G75 9ES
("the Respondent")**

Tribunal Members:

G McWilliams (Legal Member)

Decision (in absence of the Respondent)

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

Background

1. This is an Application dated 24th May 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 2017 Regulations").
2. The Applicant provided the Tribunal, in the Application, with copies of the Short Assured Tenancy agreement, Form AT5, Notice to Quit, Section 33 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.

3. The Respondent had been validly served by Sheriff Officers with the Notification, Application papers and Guidance Notes from the Tribunal on 31st July 2018, and the Execution of Service was produced.

Case Management Discussion

4. A Case Management Discussion was held on 23rd August 2018 at Glasgow Tribunals Centre, 20 York Street, Glasgow. The Applicants did not appear, but were represented by Ms L Robb, Ms H Fraser and Ms C Ferguson. The Respondent did not appear and was not represented.
5. The Applicants' representatives stated that they understood that the Respondent had recently vacated the property. They stated that the Respondent had not paid any rent since the lodging of the Application. They invited the Tribunal to grant the order sought in the Application.

Statement of Reasons

6. 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 end;
 - (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.
7. All of the above criteria have been satisfied in this Application, and accordingly the Tribunal shall make an order for possession.

Decision

8. In the circumstances, the Tribunal make an order for possession of the Property 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.

G McWilliams

23rd August 2018

Legal Member

Date