



Decision 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/18/0422

Re: Property at 23 Viewbank Avenue, Calderbank, Airdrie, ML6 9TJ (“the Property”)

Parties:

Mr Darren Lowrie, 15 Talisker Crescent, Airdrie, ML6 6GH represented by Ms Caldwell, Young & Partners (“the Applicant”)

Mr Naseer Tariq, 23 Viewbank Avenue, Calderbank, Airdrie, ML6 6TJ (“the Respondent”)

Tribunal Members:

Gillian Buchanan (Legal Member)

Decision (in absence of the Respondent)

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

- The parties entered into a Short Assured Tenancy Agreement on 18 January 2017;
- The term of the tenancy was from 18 January 2017 to 18 July 2017 and monthly thereafter until terminated by either party giving notice;
- Following the expiry of the initial term the tenancy continued from 19 July 2017 to 18 August 2017 and monthly thereafter;
- On 17 November 2017 the Applicant served on the Respondent a Notice to Quit and a Notice under section 33 of the Housing (Scotland) Act 1988 in terms of which the Respondent required to remove from the Property by 18 January 2018;
- The Respondent had failed to remove from the Property by 18 January 2018;
- The tenancy had reached its end;
- Tacit relocation is not operating;

- The Applicant is entitled to recover possession of the Property and, having been asked by the Applicant's representative to do so, the Tribunal made a decision in favour of the Applicant to that effect.

A party may request the First-tier Tribunal for Scotland (Housing and Property Chamber) to provide written reasons for this decision within 14 days of the date of issue of this decision.

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.

Gillian Buchanan

Legal Member/Chair

Date

24/4/18