

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/19/2115

Re: Property at 16 Highcroft Avenue, Croftfoot, Glasgow, G44 5RW ("the Property")

Parties:

Mr John Russell Coulter, 20 Busby Road, Carmunnock, Clarkston, Glasgow, G76 9BP ("the Applicant")

Ms Kayleigh MacLeod, UNKNOWN, UNKNOWN ("the Respondent")

Tribunal Members:

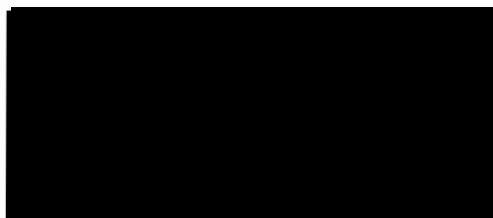
Lesley Ward (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that an order for possession of the property at 16 Highcroft Avenue Croftfoot Glasgow G44 5RW be granted.

This is an application for eviction in terms of rule 66 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017, 'the rules' and s33 of the Housing (Scotland) Act 1988, 'the Act'. The application was made on behalf of the applicant Mr John Russell Coulter by Ms Kirstie Donnelly of Bannatyne Kirkwood and France solicitors on 9 July 2019. The tribunal had before it the following copy documents:

1. Application dated 7 July 2019 and received by the Tribunal on 9 July 2019.
2. Short assured tenancy agreement between the parties dated 9 November 2015.
3. AT5 dated 9 November 2015.
4. S33 notice dated 21 December 2018.
5. Notice to quit dated 21 December 2018.
6. S11 notice on Glasgow City Council.



7. Sheriff Officer's execution of service of items 4 and 5 dated 24 December 2018.
8. Land certificate.
9. Sheriff Officer's report dated 1 August 2019.
10. Certificate of service by advertisement dated 1 October 2019.

Ms Donnelly attended the CMD on behalf of the applicant. The respondent did not attend and was not represented. The tribunal noted that service had been effected by advertisement in the light of item 9 above which stated that neighbours had told the sheriff officer that the respondent had not resided in the property for a couple of months. Ms Donnelly advised today that the information provided to her by the applicant was that the respondent is still residing in the property intermittently and accordingly she is still instructed to seek an order.

Findings in fact and law

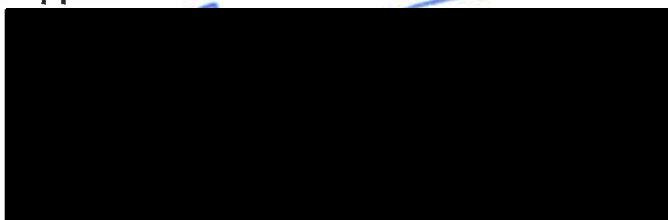
The tribunal is satisfied that:

1. The applicant is the owner of the property at 16 Highcroft Avenue Croftfoot Glasgow G44 5RW, 'the property'.
2. The parties entered into a short assured tenancy agreement for let of the property on 9 November 2015 for the initial period of 17 November 2015 until 17 November 2016 and month to month thereafter.
3. A valid notice to quit was served on the respondent 24 December 2018 with an ish date of 17 March 2019.
4. A valid s33 notice was served on the respondent 24 December 2019 requiring the respondent to leave the property no later than 17 March 2019.
5. Both 3 and 4 above were served by sheriff officer on 24 December 2018.
6. The local authority has been given notice in terms of s11 of the Homelessness etc Scotland Act.
7. The short assured tenancy has reached its ish.
8. Tacit relocation is not operating.
9. No further contractual tenancy is in existence.

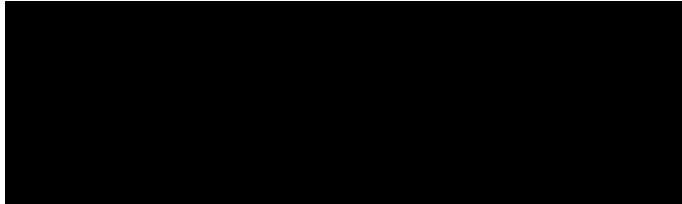
Reasons

This was an undefended application. Service was effected by advertisement and the tribunal was satisfied that appropriate notice had been given in terms of rule 24. The tribunal proceeded to hear the application in the absence of the respondent in terms of rule 29. The tribunal was satisfied that it had sufficient information before it to make a decision and the procedure had been fair. The tribunal accordingly granted the order sought on the basis that the applicant believes that the respondent is still residing in the property from time to time.

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.



Lesley A Ward - Legal Member

A handwritten signature in blue ink, appearing to be 'Lesley A Ward', written over the printed name and partially overlapping the redaction box.

1 October 2019

Date