



**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 (Act)**

**Chamber Ref: FTS/HPC/EV/22/2532**

**Re: Property at 15 Ashkirk Road, Strathaven, ML10 6JT (“the Property”)**

**Parties:**

**Andrea McQuade, 2 Greystone Place, Strathaven, ML10 5NZ (“the Applicant”)**

**Leanne Young, 15 Ashkirk Road, Strathaven, ML10 6JT (“the Respondent”)**

**Tribunal Members:**

**Alan Strain (Legal Member) and Sandra Brydon (Ordinary Member)**

**Decision (in absence of the Respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application for eviction and recovery of possession be granted.**

**Background**

This is an application under section 33 of the Act and Rule 66 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (**Regulations**) in respect of the termination of a Short-Assured Tenancy (**SAT**).

The Tribunal had regard to the following documents:

1. Application received 26 July 2022;
2. SAT commencing 13 September 2013 and AT5;
3. Notice to Quit dated 21 January 2022;
4. Section 33 Notice dated 21 January 2022;
5. Certificate of Service of Section 33 Notice and Notice to Quit dated 21 January 2022;
6. Section 11 Notice with proof of service by email on 26 July 2022;
7. CMD Notification from tribunal to Respondent dated 11 November 2022 and Royal Mail signed track and trace receipt dated 12 November 2022.

## **Case Management Discussion (CMD)**

The Applicant did not appear but was represented by her Letting Agent Ms Trevisick. The Respondent did not appear and was not represented.

The tribunal delayed the start of the CMD to see if the Respondent would participate. She did not. The tribunal were satisfied that the Respondent had received notification of the CMD and the fact that the tribunal could proceed in her absence and the tribunal could make a Decision if it considered it had sufficient information to do so and the procedure was fair.

The tribunal accordingly proceeded in the Respondent's absence.

Ms Trevisick confirmed to the tribunal that the Applicant's intention was to sell the Property and that the Respondent was currently £5,500 in arrears. The Respondent lived alone in the Property and had not paid rent since January of this year. The Applicant has made attempts to have Universal Credit paid direct but this has been unsuccessful. As far as the Applicant is aware the Respondent is unemployed.

The Applicant sought an order for recovery of possession to be granted today.

## **Decision and Reasons**

The Tribunal then considered the eviction application before it.

The Tribunal considered the oral and documentary evidence from the Applicant and in so far as material made the following findings in fact:

1. The Parties let the subjects under an SAT commencing 13 September 2013;
2. An AT5 had been served on the Respondent prior to commencement of the SAT;
3. Notice to Quit and Section 33 Notice had been served on 21 January 2022;
4. Section 11 Notice had been served on the local authority;
5. The SAT had reached its term and had been terminated;
6. Tacit relocation was no longer operating;
7. No further contractual tenancy was in existence;
8. The Applicant had given the Respondent notice that she required possession;
9. The Applicant wished to sell the Property;
10. The Respondent was in rent arrears of £5,500 as at the date of the CMD and had not paid rent since January 2022.

The Tribunal considered all of the evidence and submissions. The Tribunal were aware that it had to be satisfied that it was reasonable in the circumstances to grant the order sought. The Tribunal determined that it would be reasonable to grant the order sought in the circumstances.

The Tribunal granted the application for eviction and recovery of possession.

## **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.**

29 November 2022

\_\_\_\_\_  
**Legal Member/Chair**

\_\_\_\_\_  
**Date**