



**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/22/3021

Re: Property at 49 Skye Wynd, Hamilton, ML3 8BF (“the Property”)

Parties:

**Mrs Shona McAllister, Mr Kevin McAllister, 12 Castlehill Crescent, Hamilton,
ML3 7DG (“the Applicant”)**

**Ms Lauren Jane Gamble, 49 Skye Wynd, Hamilton, ML3 8BF (“the
Respondent”)**

Tribunal Member:

Alan Strain (Legal Member) and Janine Green (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 lodged in advance of the CMD:

1. Application dated 22 August 2022;
2. SAT commencing 2 March 2017;
3. Notice to Quit dated 5 January 2022;
4. Section 33 Notice dated 5 January 2022;
5. Certificate of Service of Notices by Sheriff Officers dated 6 January 2022;
6. Rent Statement as at November 2022;
7. Certificate of Service of CMD Notification by Sheriff Officers dated 11 January 2023.

Case Management Discussion (CMD)

The case called for a CMD by conference call on 24 February 2023. The Applicants participated and represented themselves. The Respondent did not participate and was not represented.

The Tribunal intimated to the Applicants at the CMD the Tribunal were satisfied that apart from the section 11 Notice it had sufficient information to make a Decision in the case. The Tribunal informed the Applicants that the CMD would be adjourned to a later date for them to produce the section 11 Notice and proof of service on the local authority. If that evidence was produced sooner than the adjourned CMD date then the Tribunal would make its Decision sooner.

By email of 24 February 2023 the Applicants produced a copy of the section 11 Notice and evidence of service by email of that date on the local authority.

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 2 March 2017;
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 6 January 2022;
4. Section 11 Notice had been served on the local authority;
5. The SAT had reached its end and had been terminated;
6. Tacit relocation was no longer operating;
7. No further contractual tenancy was in existence;
8. The Applicants had given the Respondent notice that they required possession;
9. The Respondent was in rent arrears of £3,075 as at 4 November 2022 and had not paid rent since.

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.

A Strain

2 March 2023

Legal Member/Chair

Date