



**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/18/2290

Re: Property at 2 Kirkton, 41C Station Road, Carluke, ML8 5AD (“the Property”)

Parties:

**Mr Armando Faccenda, 5 Clyde Street, Carluke, ML8 5BA (“the Applicant”)
represented by Mrs Alison McIntyre, Pomphreys Properties, 36 Hill Street,
Wishaw, ML2 7AT**

**Mr Rahim Aziz, 2 Kirkton, 41C Station Road, Carluke, ML8 5AD (“the
Respondent”)**

Tribunal Members:

Patricia Pryce (Legal Member)

Decision (in absence of the Respondent)

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

- **Background**

This is an application for eviction in terms of Section 33 of the Housing (Scotland) Act 1988. A Notice to Quit and Notice in terms of Section 33 were served. The contractual Short Assured Tenancy was brought to an end at its term date. The Respondent signed for the recorded delivery serving the notices.

- **The Case Management Discussion (CMD)**

Mrs McIntyre attended on behalf of the Landlord. The Respondent did not attend nor was he represented. Mrs McIntyre submitted that the CMD should proceed in any event. The Respondent had been served with the papers for the CMD. In addition, he has received the notices but has never contacted

Mrs McIntyre. The Tribunal noted that the Respondent had emailed the Tribunal on the morning of 28 November 2018 advising that he would be moving out of the property and that if the Tribunal wanted to go ahead with the eviction order, then it should "go ahead" as he and his family would be out of the property.

The Tribunal was satisfied that all papers had been served on the Respondent and that he was aware of the CMD. In light of that, the Tribunal proceeded in the absence of the Respondent.

Mrs McIntyre submitted that her client wanted his property back. The tenancy had come to an end. She therefore asked for the application to be granted.

- **Findings in Fact**

1. The Respondent is the tenant of the property at 2 Kirkton, 41C Station Road, Carluke.
2. Notice to Quit and a Notice in terms of Section 33 of the Housing (Scotland) Act 1988 were served on the Respondent bringing the short assured tenancy to an end at its ish.

- **Reasons for Decision**

The Landlord had brought the short assured tenancy to an end at its ish. This ground of termination of the tenancy had been included in the tenancy agreement. The Landlord and Applicant is therefore entitled to recover possession of the property.

- **Decision**

The Tribunal determined to grant the application and the order for 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.

Ms Patricia Pryce

Patricia Anne Pryce

Legal Member/Chair

28 November 2018

Date