



**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/18/2355

Re: Flat 0/2, 6 Edinbeg Place, Glasgow G42 OET (“the Property”)

Parties:

Bernard Greene, 2 Howard Close, Loughton, Essex, IG10 3RB (“the Applicant”)

Moira Cuthbertson, Flat 0/2, 6 Edinbeg Place, Glasgow G42 OET (“the Respondent”)

Tribunal Members:

Joan Devine (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 should be made.

Background

The Applicant sought recovery of possession of the Property. The Applicant had lodged Form E. The documents produced were: Short Assured Tenancy Agreement dated 12 August 2011; AT5 signed by the Applicant and the Respondent on 12 August 2011; Notice to Quit dated 12 June 2018 (“Notice to Quit”) and Notice in terms of Section 33 of the Housing (Scotland) Act 1988 (“Section 33 Notice”); Notification to the Local Authority in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003 and certificate of service by Sheriff Officer evidencing service of a letter from the First-tier Tribunal enclosing a full set of papers on the Respondent.

Case Management Discussion

A hearing took place on 27 November 2018 at 10.00am at Glasgow Tribunals Centre, 20 York Street, Glasgow G2 8GT. The Applicant was represented by Susan Hanlin of Allied Homes. The Tribunal had sight of authorisation signed by the Applicant authorising Susan Hanlin to represent him in this case. There was no appearance on behalf of the Respondent. The Tribunal noted that the papers did not include evidence of service of the Notice to Quit or of the Section 33 Notice on the Respondent. Susan Hanlin told the Tribunal that she had served the notices by hand on 12 June 2018. She showed the Tribunal photographs on her phone that she had

taken of a letter addressed to the Respondent being put through the letterbox of the Property.

Findings in Fact

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent had entered into a tenancy agreement dated 12 August 2011.
2. The Applicant and the Respondent had signed the AT5 on 12 August 2011. It narrated that the Respondent had received the AT5 prior to the creation of the tenancy.
3. The tenancy commenced on 12 August 2011 and was stated to be for a period of 12 months.
4. A Notice to Quit and Notice in terms of Section 33 of the 1988 Act both dated 12 June 2018 was served on the Respondent on 12 June 2018.
5. Notification was provided to the Local Authority in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003.
6. Notice of the date of the hearing had been given to the Respondent on 6 November 2018.

Reasons for the Decision


The Tribunal determined to make an Order for possession of the Property in terms of Section 33 of the 1988 Act. The Tribunal noted that the tenancy had been properly created as a short assured tenancy. The Tribunal further noted that a Notice to Quit and Section 33 Notice had been served on the Respondent two months prior to the ish. In all of the circumstances, it was appropriate for an Order to be made.

Decision

The Tribunal grants an Order for possession of the Property.

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.


Joan Devine

Legal Member

Date

27 November 2018