



**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/18/3047

Re: Property at 17 Ford Crescent, Thornton, Fife, KY1 4EB (“the Property”)

Parties:

Mr Russell Adams, 1 Boyd Orr Road, Saltcoats, Ayrshire, KA21 6EW (“the Applicant”)

Mr Christopher Gallighan, 17 Ford Crescent, Thornton, Fife, KY1 4EB (“the Respondent”)

Tribunal Members:

Andrew McLaughlin (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that

This Application called for a Case Management Discussion at 2pm on 14 January 2019 at Fife Voluntary Action, 16 East Fergus Place, Kirkcaldy. The Applicant was represented by Mr Mark MacDonald of Fife Letting Service Ltd. The Respondent was personally present.

The Applicant sought an Eviction Order in respect of s33 of the Housing (Scotland) Act 1988. The Tribunal noted a s33 Notice and a Notice to Quit had been served on the Respondent providing the requisite period of notice to the Respondent. There was a certificate of execution of service by Sheriff Officers which confirmed that these had been validly served on the Respondent. The Tribunal noted that all other procedural and legislative requirements had been complied with. The Respondent’s position was that he simply wanted to keep a roof over his head.

Having heard from parties and considered the relevant documentation the Tribunal considered that it must make an Eviction Order as per the terms of

s33 of the Housing (Scotland) Act 1988. Accordingly the Tribunal granted the Application making the Eviction Order as sought.

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.

Andrew McLaughlin

Legal Member/Chair

14/1/19

Date

*Insert or Delete as required