



**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/18/3180

**Re: Property at Hornshill Farmhouse, Garnkirk Estate, Stepps, Glasgow, G33
6DE (“the Property”)**

Parties:

**Mr Edward Thomas Sprot, Mr Geoffrey Sprot, Mr Ralph Sprot, Ms Diana Sprot,
Streets Close, Main Road, Owlesbury, Winchester, Hampshire; c/o Savills (UK)
Ltd, 163 West George Street, Glasgow, G2 2JJ; Drumhead, Peat Inn, Cupar,
Fife, KY15 5LH; One Blythwood Road, Crouch Hill, London, N4 4EU (“the
Applicants”)**

**Ms Lorraine Cairns, Hornshill Farmhouse, Garnkirk Estate, Stepps, Glasgow,
G33 6DE (“the Respondent”)**

Tribunal Members:

Lesley Ward (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 at Hornshill
Farmhouse Garnkirk Estate Stepps Glasgow G33 6DE be granted, and granted
an order for possession in terms of s33 of the Housing (Scotland) Act 1988.**

This was a case management discussion in connection with an application in terms
of rule 66 of the First-tier Tribunal for Scotland Housing and Property Chamber
(Procedure) Rules, ‘the rules’ and s33 of the Housing (Scotland) Act 1988, ‘the Act’.
The tribunal had before it the following copy documents:

1. Application dated 22 November 2018 and received on the 26 November 2018.
2. Notice to quit dated 25 June 2018.
3. S33 notice dated 25 June 2018.
4. S11 notice to local authority.

5. Proof of service of items 2 and 3 dated 25 June 2018.
6. AT5 signed by respondent on 29 January 2001.
7. Tenancy agreement.
8. Email from respondent dated 25 January 2019.
9. Sheriff Officer's execution of service on respondent dated 10 January 2019.

Preliminary matter

Ms Stephanie Hepburn solicitor attended the CMD on behalf of the applicants. There was no appearance by the respondent although the tribunal noted the terms of the respondent's email of 25 January 2019 which was allowed to be received although late. The application's solicitor stated that her client's had no objection to the date of the enforcement of the order to be delayed until 1 April 2019 to accommodate the respondent's request as set out in her email.

The tribunal raised a query regarding the applicant's title to the property. The tribunal did not have sight of the applicants' title. The tribunal adjourned for Ms Hepburn to check the position. She advised that the 4 members of the Sprott family referred to in the application each own a one quarter pro indiviso share of the property. They trade as Garnkirk Estate. She was unable to provide a copy of the title but advised that another member of her firm confirmed that the title is on a separate file regarding recovery of the agricultural land occupied by the respondent. The tribunal accepted the position regarding the applicants' title.

Findings in fact

1. The applicants are the owners of the property.
2. The applicants entered into a short assured tenancy with the respondent for let of the property for the initial period of 1 February 2001 until 31 January 2003 and two monthly thereafter.
3. The respondent was served with a valid notice to quit and s3 notice on 25 June 2018 with a valid ish date of 30 September 2018.
4. The short assured tenancy has reached its ish.
5. Tacit relocation is not operating.
6. No further contractual tenancy is in existence.

Reasons

The tribunal is satisfied that the respondent has received notice of today's CMD in terms of rule 24. The tribunal proceeded with the CMD in the respondent's absence in terms of rule 29. The tribunal considered that it had enough information before it today to make a decision and the procedure has been fair. The tribunal took the respondent's letter into account. It was agreed with the applicants' agent that the order granted would not be enforceable until 1 April 2019 to give the respondent time to move out of the property. The tribunal accordingly granted the mandatory order

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.

Lesley Ward

28 January 2019

Lesley A Ward Legal Member

Date