



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 18 of the Housing (Scotland)
Act 1988**

Chamber Ref: FTS/HPC/EV/18/3500

Re: Property at Flat 2/1, 37 Elderslie Street, Glasgow, G3 8XS (“the Property”)

Parties:

**Sanctuary Homes (Scotland) Ltd, 7 Freelands Drive, Priesthill, Glasgow, G53
6PG (“the Applicant”)**

**Mr Luke Kelly, Flat 2/1, 37 Elderslie Street, Glasgow, G3 8XS (“the
Respondent”)**

Tribunal Members:

Alison Kelly (Legal Member)

Decision (in absence of the Respondent)

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

Background

The Applicant lodged an Application, on 24th December 2018, for eviction of the Respondent from the Property, in terms of Rule 66 of The First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017.

In support of the Application the Applicant lodged:

- i) A copy of the Tenancy Agreement, showing the initial tenancy as being from 29/11/17 to 28/5/18, and monthly thereafter
- ii) A copy of the AT5 dated 29/11/17
- iii) A copy of the section 33 Notice dated 25/9/18 and giving the leaving date as 28/11/18
- iv) A copy of the Notice To Quit dated 25/9/18 and giving the leaving date as 28/11/18
- v) Proof of Service of iii) and iv)

Case Management Discussion

At the Case Management Discussion the Applicant was represented by Keri Preece of Harper McLeod, Solicitors. Robin Campbell and Nadine Danesh from Sanctuary Housing were also present. The Respondent made no appearance and was not represented.

Miss Preece submitted that the notices were correct, and had been served correctly in terms of the Housing (Scotland) Act 1988, and moved that the order for eviction was granted.

Findings In Fact

The Legal Member found:

1. There was a tenancy agreement between the parties in relation to the property.
2. An AT5 had been served correctly
3. Section 33 Notice and Notice to Quit had been served correctly

Decision

The order for eviction was granted.

Reasons For Decision

All steps required in terms of the Housing (Scotland) Act 1988 had been followed and in the circumstances the granting of the order is mandatory.

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.


Legal Member

1/3/19
Date 1st March 2019