

**Housing and Property Chamber**  
First-tier Tribunal for Scotland

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**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/19/2615**

**Re: Property at Flat 2/2, 16 Woodend Road, Rutherglen, South Lanarkshire, G73 4DX (“the Property”)**

**Parties:**

**Mr Leo Jux, 9 Ashbridge Way, Sunbury-on-Thames, Surrey, TW16 7SF (“the Applicant”)**

**Miss Sharon Connelly, Flat 3, 33 Dougrie Place, Castlemilk, G45 9AR and Mr Dale Connelly, Flat 2/2, 16 Woodend Road, Rutherglen, South Lanarkshire, G73 4DX (“the Respondents”)**

**Tribunal Members:**

**Nicola Irvine (Legal Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant is entitled to the order sought for recovery of possession of the property.**

**Background**

The Applicant submitted an application seeking an order to evict the Respondents from the property at Flat 2/2, 16 Woodend Road, Rutherglen. The Tribunal intimated the application to the parties by letter of 16<sup>th</sup> September 2019 and advised them of the date, time and place of today’s case management discussion. In that letter, the parties were also told that they required to attend the case management discussion and were informed that the Tribunal could make a decision today on the application if the Tribunal has sufficient information and considers the procedure to have been fair. The Respondents were invited to make written representations by 7<sup>th</sup> October 2019. No written representations were received by the Tribunal.

## **The Case Management Discussion**

The Applicant was represented by Miss Nicola Caldwell. Miss Connelly was personally present. The Applicant's representative advised that the Applicant seeks to rely upon Section 33 of the Housing (Scotland) Act 1988. The Applicant's position is that the conditions set out in Section 33 of the Act have been met and the short assured tenancy terminated at the ish. Miss Connelly advised that she is no longer resident in the property, although her son, the Second Respondent continues to live there.

## **Findings in Fact:**

1. The Applicant and the Respondents entered into a Tenancy Agreement dated 26<sup>th</sup> May 2017. The period of the tenancy was from 26<sup>th</sup> May 2017 to 26<sup>th</sup> November 2017. Thereafter, the tenancy continued on a monthly basis.
2. The rent payable was £400 per calendar month, payable in advance.
3. The Applicant's agent served notice on terms of Section 33 of the Housing (Scotland) Act 1988 on 29<sup>th</sup> January 2019 indicating that the Applicant required possession of the property on or before 26<sup>th</sup> April 2019.
4. The Applicant's agent served a Notice to Quit on 29<sup>th</sup> January 2019 indicating that the Respondents should remove from the property by 26<sup>th</sup> April 2019.
5. The short assured tenancy had reached its ish.
6. Tacit relocation was not operating.
7. No further contractual tenancy is in operation.
8. The Applicant is entitled to the Order sought for repossession.

## **Reason for Decision**

The Tribunal proceeded on the basis of the written documents which were before it. The Applicant's representative invited the Tribunal to make the Order sought. The Applicant relied upon Section 33 of the Act. The notice had been properly served. The Tribunal was satisfied that conditions of Section 33 had been met. There was nothing before the Tribunal challenging or disputing any of the evidence before it.

## **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.**

N.Irvine

Legal Member/Chair

24<sup>th</sup> October 2019

Date