



**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/19/3406**

**Re: Property at Flat 1/2, 172 Crow Road, Glasgow, G11 7JS (“the Property”)**

**Parties:**

**Dr Fiona Jefford, Mr John Jefford, Whitehouse, Chapelbrae, Moffat, DG10 9SB  
 (“the Applicant”)**

**Mr George Gerrard, Flat 1/2, 172 Crow Road, Glasgow, G11 7JS (“the  
 Respondent”)**

**Tribunal Members:**

**George Clark (Legal Member)**

**Decision (in absence of the Respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the  
 Tribunal”) determined that the application should be granted without a Hearing  
 and made an Order for Possession of the Property.**

**Background**

By application, received by the Tribunal on 23 October 2019, the Applicant sought an Order for Possession under Section 33 of the Housing (Scotland) Act 1988 (“the 1988 Act”). The application was accompanied by copies of a Short Assured Tenancy Agreement between the Parties running from 20 April 2015 to 19 October 2015 and, if not terminated on that date, continuing on a month to month basis until terminated by either Party, a Notice given under Section 33 of the 1988 Act and a Notice to Quit, both Notices being dated 22 July 2019, requiring the Respondent to vacate the Property by 20 October 2019, and proof of delivery of both Notices by post on 23 July 2019.

On 18 November 2019, the Tribunal advised the Parties of the date, time and venue for a Case Management Discussion and the Respondent was invited to make written representations by 9 December 2019. The Respondent did not make any written representations to the Tribunal.

### **Case Management Discussion**

A Case Management Discussion was held at Glasgow Tribunals Centre, 20 York Street Glasgow on the morning of 19 December 2019. The Applicant was represented by Val West, a Director of Indigo Square Property Limited, Glasgow, who asked the Tribunal to make the Order for possession without a Hearing. The Respondent was not present or represented.

### **Reasons for Decision**

Rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations provides that the Tribunal may do anything at a Case Management Discussion which it may do at a Hearing, including making a Decision. The Tribunal was satisfied that it had before it all the information and documentation it required and that it could decide the application without a Hearing.

Section 33 of the 1988 Act states that the Tribunal shall make an Order for Possession of a house let under a Short Assured Tenancy if it is satisfied that the Short Assured Tenancy has reached its end, that tacit relocation is not operating, that no further contractual tenancy is for the time being in existence and that the landlord has given to the tenant notice that he requires possession of the house. The period of notice required is two months.

The Tribunal was satisfied that the tenancy in this case was a Short Assured Tenancy, that it had reached its end, that, by service of the Notice to Quit, tacit relocation was not operating, that there was no further contractual tenancy in existence between the Parties and that the Applicant had given to the Respondent the Notice required by Section 33 of the 1988 Act. Accordingly, the Tribunal held that all the requirements of Section 33 of the 1988 Act had been met and the Tribunal was bound to make an Order for Possession of the Property.

### **Decision**

The Tribunal determined that the application should be granted without a Hearing and made 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.**

George Clark

Legal Member/Chair

19 December 2019

Date