



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) in respect of Application under Section 33 of the Housing (Scotland) Act 1988

Chamber Ref: FTS/HPC/EV/18/0417

Re: Property at 47 Kelso Avenue, Lesmahagow, ML11 0BA (“the Property”)

Parties:

Ms Stefania Mennichelli, 27 Gloucester Street, London, WC1N 3AX (“the Applicant”)

Mr John McNaughton, Ms Elizabeth Stirrat, 47 Kelso Avenue, Lesmahagow, ML11 0BA (“the Respondent”)

Tribunal Members:

Lesley Dowdalls (Legal Member)

Decision (in absence of the Respondent)

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

The Applicant was represented by Ms Nicola Caldwell, Paralegal, TC Young Solicitors.

The application to the Tribunal is dated 19th February 2018. Intimation of today’s Case Management Discussion was intimated to the Respondent by Sheriff Officer on 27th April 2018. The Respondent did not attend, was not represented and made no written representations.

The Tribunal considered the oral submissions made on behalf of the Applicant and took account of the following productions lodged:

- 1. Tenancy Agreement**
- 2. AT5**
- 3. S33 Notice**
- 4. Notice to Quit**

- 5. Sheriff Officers Execution of Service**
- 6. S11 Form**
- 7. Email to Local Authority intimating s11 Form**

The Tribunal made the following findings in fact:

1. The statutory criteria in s33(1)(b) of the Housing (Scotland) Act 1988 are satisfied as follows:
 - a. The short assured tenancy has reached its ish, being 14th February 2018
 - b. Tacit relocation is not operating
 - c. No further contractual tenancy is for the time being in existence
 - d. The landlord has given the required notice to the tenant. Notice to Quit and Section 33 Notice of Possession, both dated 12th December 2017, were served by Sheriff Officer on the tenant on 13th December 2017.
2. The Respondent has made no representations or opposed the granting of the order

Accordingly the Tribunal grants the order for recovery of possession.

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 DOWDALLS

Legal Member/Chair

Date

5th June 2018