



**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/18/2491

**Re: Property at 60 Laurel Court, East Kilbride, Glasgow, G75 9JF (“the
Property”)**

Parties:

**Mr Pardeep Rai, 37 Abercorn Road, Newton Mearns, Glasgow, G77 6QL (“the
Applicant”)**

**Miss Lindsay Todd, 60 Laurel Court, East Kilbride, Glasgow, G75 9JF (“the
Respondent”)**

Tribunal Members:

Fiona Watson (Legal Member)

Decision (in absence of the Respondent)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that an Order is granted against the Respondent for
possession of the Property under section 33 of the Housing (Scotland) Act
1988.**

- Background

An application was received by the Tribunal under Rule 66 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017. Said application was dated 13 September 2018 and sought an order for repossession upon termination of a short assured tenancy.

- Case Management Discussion

A Case Management Discussion took place on 23 November 2018. The Applicant was personally present. The Respondent did not appear nor was she represented. The Respondent’s partner had called the Tribunal administration the morning of the

Case Management Discussion to advise that the Respondent was ill and unable to attend.

The Respondent had not submitted any response to the application.

The Applicant sought an order for repossession on the basis that the tenancy was a short assured tenancy, a Notice to Quit and Notice under section 33 of the Housing (Scotland) Act 1988 had been served on the tenant requiring their removal from the property and that the tenant had failed to remove. The Applicant advised the Tribunal that he intends to sell the property. He advised that the Respondent had been made aware of this at the time of signature of the lease agreement and had failed to remove. He required vacant possession in order to sell the property.

- Findings in Fact

1. The parties had entered into a short assured tenancy which commenced on 1 March 2018 and ended on 31 August 2018
2. A Notice to Quit and Notice under section 33 of the Housing (Scotland) Act 198 had been served on the Respondent bringing the contractual tenancy to an end as at 31 August 2018
3. The Respondent has failed to remove from the property

- Reasons for Decision

The Tribunal was satisfied that the terms of section 33 of the Housing (Scotland) Act 198 had been met: namely that the tenancy had reached its' ish; that tacit relocation was not operating; that no further contractual tenancy was in existence; and that a notice had been served in terms of section 33 of the said Act. Accordingly, the Tribunal was satisfied that the Applicant was entitled to the Order sought.

- Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) granted an order against the Respondent for possession of the Property under section 33 of the Housing (Scotland) Act 1988.

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.

F Watson

Legal Member/Chair

23/11/18

Date