

Housing and Property Chamber
First-tier Tribunal for Scotland



**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/18/2680

**Re: Property at Flat 1/1, 14 Southbank Road, Kirkintilloch, Glasgow, G66 1NH
("the Property")**

Parties:

**Trust Enterprises Limited, 12 New Mart Road, Edinburgh, EH14 1RL ("the
Applicant")**

**Mr Ryan Wilson, Flat 1/1, 14 Southbank Road, Kirkintilloch, Glasgow, G66 1NH
("the Respondent")**

Tribunal Members:

Graham Harding (Legal Member)

Decision (in absence of the Respondent)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the
Tribunal") determined that the Applicant was entitled to an order for
possession of the property and the ejection of the Respondent from the
property.**

Background

1. By application dated 8 October 2018 the Applicant through their representatives T C Young, Solicitors, Glasgow, applied to the Tribunal for an order under Rule 66 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 ("the Rules") for possession of the property and the ejection of the Respondent on the ground that the Short Assured Tenancy had ended. The Applicant's representatives submitted along with the application a copy of the tenancy agreement, Form AT5, Notice to Quit, Section 33 Notice, Sheriff Officers execution of Service, Section 11 Form, Email to local authority and copy lease between the Applicants and the heritable proprietors of the property.

2. By Notice of Acceptance dated 17 October 2018 a legal member of the Tribunal with delegated powers accepted the application and a Case Management Discussion was assigned.
3. Intimation of the Case Management Discussion was given to the Applicants representatives by post on 8 November 2018 and to the Respondent by Sheriff Officers on 9 November 2018.
4. Neither party made further written representations in advance of the Case Management discussion.

Case Management Discussion

5. The Case Management discussion was held on 29 November 2018 at Glasgow Tribunals Centre, 20 York Street, Glasgow. It was attended by Ms Kirsty Morrison of T C Young Solicitors on behalf of the Applicant. There was no appearance or explanation for his non-attendance by the Respondent.
6. The Case Management Discussion proceeded in the absence of the Respondent in accordance with Rule 29 of the Rules.
7. Ms Morrison referred the Tribunal to the documents submitted with the application and the Tribunal noted that the Respondent signed the Tenancy Agreement after signing receipt of the Form AT5. The Tribunal noted that the tenancy was a Short Assured Tenancy that commenced on 17 May 2015 and ended on 24 November 2015 and then continued from month to month thereafter until terminated by either party giving two months notice.
8. The Tribunal noted that a Notice to Quit and Section 33 Notice were served on the Respondent by Sheriff Officers on 20 July 2018 and a Section 11 Notice was sent to the local authority on 5 October 2018.
9. Ms Morrison for the applicant asked the Tribunal to grant the order sought on he basis that all the statutory requirements had been met.

Findings in Fact

10. He parties entered into a Short Assured Tenancy that commenced on 17 May 2015 and ended on 24 November 2015 and then continued from month to month until it was brought to an end by the applicants serving a Notice to Quit and Section 33 Notice requiring the Respondent to vacate the property on 24 September 2018.
11. The Respondent did not vacate the property following the termination of the tenancy.
12. Intimation of he proceedings was given to the local authority.

Reasons for Decision

13. The applicant's representatives properly served the required notices on the Respondent bringing the Short Assured Tenancy to an end. As the Respondent did not remove himself from the property on or before 24 September 2018 the applicant's representatives served notice of proceedings on the local authority. The statutory requirements having been met the Applicant is entitled to the order sought.

Decision

14. The Applicant is entitled to an order for possession of the property and the ejection of the Respondent from 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.

G Harding

Legal Member/Chair

29 November 2018

Date