



**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 (“the Act”)**

**Chamber Ref: FTS/HPC/EV/18/3530**

**Re: Property at 44 Knockburnie Road, Bothwell, G71 8LW (“the Property”)**

**Parties:**

**Mrs Nighat Ferguson, C/O Manak, 1 Princes Garden, Glasgow, G12 9HP (“the Applicant”) per her representative, Mr John K. Duffy of Ruthven Keenan Pollock & Co., solicitors, 832, Crow Road, Anniesland, Glasgow G13 1HB**

**Mr Henry Forbes and Ms Monica Quigley, 44 Knockburnie Road, Bothwell, G71 8LW (“the Respondents”)**

**Tribunal Members:**

**Karen Moore (Legal Member)**

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

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

**Background**

1. This is an application received on 27 December 2018 (“the Application”) for an order for possession following termination of a short assured tenancy agreement between the Parties.
2. The Application comprised copy of the said short assured tenancy agreement with Notice in terms of Section 32 of the Act and copy Notice in terms of Section 33 of the Act, copy Notice to Quit in the correct legal format terminating the tenancy at an ish date of 18 November 2018 and copy Notice in terms of Section 19 of the Act to the relevant local authority, all with evidence of intimation.
3. The Application was accepted by a legal member of the First-tier Tribunal with delegated powers of the Chamber President and a Case Management

Discussion (CMD) was fixed for 14.00 on 3 May 2019 at the Glasgow Tribunal Centre, 20, York Street, Glasgow, G2 8GT.

#### **Case Management Discussion**

4. The CMD took place at 14.00 on 3 May 2019 at the said Glasgow Tribunal Centre . Neither the Applicant nor the Respondents were present. The Applicant was represented by her agent, Mr. Duffy.
5. Mr. Duffy confirmed to me that an order for possession was sought and that tacit relocation is not operating.

#### **Findings in Fact and Reasons for Decision**

6. From the Application, I noted that the requisite notices had been intimated. From the Hearing, I accepted that tacit relocation is not operating.
7. I then had regard to Section 33 of the Act which states that if the First-tier Tribunal is satisfied that the short assured tenancy has reached its ish, that tacit relocation is not operating and that the landlord has given notice to the tenant that he requires possession of the house, the First-tier Tribunal shall make an order for possession.
8. I then had regard to Rule 17(4) of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 which states that a First-tier Tribunal may do anything at a case management discussion which it may do at a hearing including making a decision. Therefore, I decided to grant the order without further procedure.

#### **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.**

**K Moore**

**Legal Member/Chair**

*3 May 2019*

**Date**