



**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/19/0136

**Re: Property at 104 Jerviston Road, Craigend, Glasgow, G33 5QL (“the
Property”)**

Parties:

**Mr James Crawford, 18 Tillycairn Street, Glasgow, G33 5HB and Mr Gary
Drennan, 1st Floor Flat, 17 St Anns Terrace, London, NW8 6PH (“the
Applicant”)**

**Miss Stacey Tominey, 104 Jerviston Road, Craigend, Glasgow, G33 5QL (“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 decided without a hearing
and made an Order for Possession of the Property**

Background

By application, received by the Tribunal on 16 January 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, commencing on 27 September 2013, a Notice to Quit and a Section 33 Notice, both dated 25 June 2018 and a Certificate of Service of both Notices by sheriff officer on 26 June 2018. The Short Assured Tenancy Agreement stated that its end date was 28 September 2014 and, if not brought to an end on that date, it would continue thereafter on a monthly basis until ended by either party.

On 5 April 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 24 April 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 on the morning of 29 April 2019. The Applicant was represented by Kirsty Morrison of TC Young, Solicitors, Glasgow. The Respondent was not present or represented, Legal Services Agency, Glasgow, having advised the Tribunal by e-mail on 26 April 2019 that they were withdrawing from acting. The Applicant's representative asked the tribunal to make the Order without a hearing.

Reasons for Decision

Rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 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 would determine the application without a hearing.

Section 33 of the 1988 Act provides that the Tribunal shall make an Order for Possession of a house let on 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 stating that he requires possession of the house.

The Tribunal was satisfied that the tenancy had reached its end, that tacit relocation was not operating, that no further contractual tenancy was in existence and that the Notice required under Section 33 of the 1988 Act had been given. Accordingly, all the requirements of Section 33 of the 1988 Act had been met and the Tribunal was bound to grant the Order for Possession.

Decision

The Tribunal determined that the application should be decided 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.

G Clark

Legal Member/Chair

29 April 2019

Date