



**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/19/0592

Re: Property at 24 Kirkmichael Road, Helensburgh, G84 7NQ (“the Property”)

Parties:

Mr Gordon Greer, Mrs Amy Greer, 4 Longley Drive, Worsley, Manchester (“the Applicants”)

Mr Neil Querns, Mrs Leica Querns, 24 Kirkmichael Road, Helensburgh, G84 7NQ (“the Respondents”)

Tribunal Members:

Nicola Irvine (Legal Member)

Decision (in absence of the Respondents)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicants are entitled to the Order for recovery of possession of the property.

Background

The Applicants submitted an application for an order to evict the Respondents from the property at 24 Kirkmichael Road, Helensburgh. The Tribunal intimated the application to the parties by letter of 13th April 2019 and advised them of the date, time and place of today’s case management discussion. In that letter, the parties were told that they were required to attend the case management discussion and were informed that the Tribunal could make a decision today on the application if the Tribunal has sufficient information and considers the procedure to have been fair.

The Case Management Discussion

The Applicants were represented by Ms McCourt of Stewart Residential. The case management discussion proceeded in the absence of the Respondents. Ms McCourt advised that the Applicants seek to rely upon Section 33 of the Housing (Scotland)

Act 1988. The Applicants' position is that the conditions set out in Section 33 of the Act have been met and the short assured tenancy terminated at the ish.

Findings in Fact

1. The parties entered into a short assured tenancy dated 31st October 2017. The period of the tenancy was from 31st October 2017 to 1st May 2018 and thereafter on a month to month basis.
2. The Applicants' representative served notice in terms of Section 33 of the Housing (Scotland) Act 1988 on 1st October 2018 indicating that the Respondents required to remove from the property on or before 1st January 2019.
3. The Applicants' representative served a notice to quit on 1st October 2018 indicating that the Respondents required to remove from the property by 1st January 2019.
4. The short assured tenancy had reached its ish.
5. Tacit relocation was not operating.
6. No further contractual tenancy is in operation.
7. The Applicants are entitled to the order sought.

Reason for Decision

The Tribunal proceeded on the basis of the written documents which were before it. The Applicants' representative invited the Tribunal to make the order sought. The Applicants relied upon Section 33 of the Act. The notices had been properly served. The Tribunal was satisfied that the conditions of Section 33 had been met. There was nothing before the Tribunal challenging or disputing any of the information before it.

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.

N Irvine

Legal Member/Chair

8th May 2019

Date