



**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/19/2881

Re: Property at 36 Kylemore Lane, Greenock, PA16 0QP (“the Property”)

Parties:

**Mr Robert Ross, Ms Victoria Jane Cookson, Flat 1/2, 3 Harwood Court,
Greenock, PA16 8BY (“the Applicant”)**

Ms Arlene Bowie, 36 Kylemore Lane, Greenock, PA16 0QP (“the Respondent”)

Tribunal Members:

Karen Kirk (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 13 September 2019, the Applicant sought an Order for Possession of the Property 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 4 June 2010 and, if not terminated on 5 December 2010, running on a monthly basis thereafter until ended by either party, a Notice given under Section 33 of the 1988 Act (a Form AT6 Notice) and a Notice to Quit, both Notices dated 20 June 2019 and both requiring the Respondent to vacate the Property by 5 September 2019. Proof of service of both Notices was also provided.

On 11 November 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 2 December 2019. The Respondent did not make any written representations to the Tribunal.

Case Management Discussion

A Case Management Discussion was held at Greenock Sheriff Court on the morning of 12 December 2019. The Applicant was represented by Cathie Scott and Gemma Kane of Cathie Scott Properties, Greenock. The Respondent was not present or represented. The Applicant's representative asked the Tribunal to grant the application 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 decide the application without a Hearing.

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

The Tribunal was satisfied that the tenancy had reached its end, that, by service of the Notice to Quit, tacit relocation was not operating, that there was no further contractual tenancy in existence between the Parties and that the Applicant had given the required Notice under Section 33 of the 1988 Act (The Form AT6 Notice). Accordingly, all the requirements of Section 33 of the 1988 Act had been met and the Tribunal was bound to make an Order for Possession of the Property.

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.

George Clark
Legal Member/Chair _____

12 December 2019
Date