



**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/18/2544**

**Re: Property at Flat 2/1 574 Cathcart Road, Glasgow, G42 8AB (“the Property”)**

**Parties:**

**Par Residential Investments (II) LP, C/O Cappelletti Properties, 1-3 Huntingdon  
Place, Annandale Place, Edinburgh, EH7 4AT (“the Applicants”)**

**Mr Peter Surmaj, Flat 2/1 574 Cathcart Road, Glasgow, G42 8AB (“the  
Respondent”)**

**Tribunal Members:**

**Lesley Ward (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the  
Tribunal”) determined that an order for possession of the property at Flat 2/1  
574 Cathcart Road Glasgow G42 8AB be granted, and granted an order for  
possession in terms of s33 of the Housing (Scotland) Act 1988.**

This was a case management discussion, ‘CMD’ in connection with an application in terms of rule 66 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Rules, ‘the rules’ and s33 of the Housing (Scotland) Act 1988, ‘the Act’. The tribunal had before it the following copy documents:

1. Application dated 19 September 2018 and received on the 25 September 2018.
2. Notice to quit dated 5 April 2018.
3. S33 notice dated 5 April 2018.
4. S11 notice to local authority.
5. Proof of service of items 2 and 3 dated 6 April 2018.
6. AT5 signed by respondent on 10 February 2015.

7. Tenancy agreement.
8. Land certificate.
9. Letter from tribunal administration to applicant's agent dated 29 October 2018.
10. Emails from applicant's dated 7 November 6 and 10 December 2018..
11. Letter from respondent's solicitors to the applicants' agent dated 10 October 2018.
12. Sheriff Officer's execution of service of the application and CMD notification on respondent dated 30 January 2019.

Miss Gemma McFarlane from Cairn Letting attended on behalf of the applicants. She was accompanied by Mrs Fiona Herbin also of Cairn Letting. The respondent did not attend and was not represented.

### **Preliminary matter**

The tribunal noted that the Tribunal administration had written to the applicants agents on 29 October 2018 raising two queries, one regarding the proof of service of the s33 notice and notice to quit and another regarding the applicants' title and interest to make the application.

The first point was covered in their email of 10 December 2018 when they exhibited a track and trace receipt signed for by the respondent on 6 April 2018.

The second matter does not appear to have been addressed by the applicants or their agents. The Tribunal letter stated:

Before a decision can be made, we need you to provide us with the following:

1. Written and /or documentary evidence from the Applicant, named on the Application as the landlord of the Property from which the eviction of the Respondent is sought. Please see below.
  - The landlord named in the Short Assured Tenancy Agreement dated 10 February 2015 is " Harlequin Holdings (Scotland) Limited c/o Happy lets Ltd.
  - The AT5 Form dated 10 February 2015 is in the name of "Harlequin Holdings (Scotland) Limited c/o Happy Lets Ltd".
  - The Notice to Quit dated 5 April 2018 was sent by Julianne Deans, Property Manager. There is no additional information.
  - The Section 33 Notice dated 5 April 2018 names "Par Residential Investments (II) LP, c/o Cairn Letting. Gibson Street Glasgow G12 8NX".
  - The tribunal's administration has obtained the Title Sheet for the Property which shows the registered proprietor from 29 January 2016 as Par Residential Investments II LP, registered as Limited Partnership in Scotland

(LP Number SLO18261) with a registered office at 3a Dublin Meuse Edinburgh, EH3 6NM.

The tribunal dealt with the applicants' title to make the application as a preliminary matter. Miss McFarland produced an undated letter from her clients Par Residential Investments II LP confirming that they purchased the property on 20 January 2016 and that Cairn Letting took over the management of the property from Happy Lets Ltd. She also produced copies of two letters sent to the respondent. The first dated 25 January 2016 was from Happy Lets Ltd and stated that the new owner of the property is Par Investments II LP and that the lease is unaffected. The second letter dated 2 August 2016 was to inform the tenant that Cairn Letting have taken over from Happy Lets Ltd as letting agent.

### **Findings in fact**

1. The applicants are the owners of the property.
2. The applicants' predecessor in ownership, Harlequin Holdings (Scotland) Ltd entered into a short assured tenancy with the respondent for let of the property for the initial period 1 March 2015 until 2 September 2018 and monthly thereafter.
3. The respondent was served with a valid notice to quit and s33 notice on 6 April 2018 with a valid ish date of 1 July 2018.
4. The short assured tenancy has reached its ish.
5. Tacit relocation is not operating.
6. No further contractual tenancy is in existence.

### **Reasons**

The tribunal is satisfied that the respondent has received notice of today's CMD in terms of rule 24. The tribunal proceeded with the CMD in the respondent's absence in terms of rule 29. The tribunal considered that it had enough information before it today to make a decision and the procedure has been fair. The tribunal is satisfied that the applicants have title and interest to make the application. The tribunal accordingly granted the mandatory order sought.

### **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.**

**Lesley Ward**

**21 February 2019**

**Lesley A Ward Legal Member**

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**Date**