



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber)**

Chamber Ref: FTS/HPC/EV/22/1913

**Re: Property at Flat 9/4 Crookston Court, Kinnaird Village, Larbert, FK5 4XF
("the Property")**

Parties:

Mr Callum Warham, 50 Thornton Ave, Bonnybridge, FK4 1AP ("the Applicant")

**Mr Kevin Love, Flat 9/4 Crookston Court, Kinnaird Village, Larbert, FK5 4XF
("the Respondent")**

Tribunal Members:

Virgil Crawford (Legal Member) and Melanie Booth (Ordinary Member)

Decision (in absence of the Respondent)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the
Tribunal") determined that**

BACKGROUND

1. By Lease dated 11th November 2017 the Applicant let the Property to the Respondent;
2. The Lease was a short assured tenancy in terms of the Housing (Scotland) Act 1988 ("the 1988 Act"). A Notice in terms of section 32 of the 1988 Act (commonly referred to as form AT5) was served upon and signed by the Respondent prior to execution of the lease;
3. The initial period of let was from 11th November 2017 until 12th May 2018;

4. A Notice to Quit dated 24th November 2021 was served upon the Respondent requiring vacant possession by Sunday 12th June 2022;
5. A Notice in terms of Section 33 of the 1988 Act was served upon the Respondent requiring the Respondent to move from the Property on or before 16th June 2022;
6. A Notice in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003 was intimated to the relevant Local Authority;

THE CASE MANAGEMENT DISCUSSION

7. The Applicant was represented by Miss G Inglis of Belvoir (Falkirk). The Respondent failed to attend. The Tribunal was in receipt of an execution of service by sheriff officers confirming that the date and time of the Case Management Discussion had been intimated to the Respondent, together with a copy of the case papers. In the circumstances the Tribunal, being satisfied in terms of Rule 24 of The First Tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (the “FTT Rules”) that the Respondent had received reasonable notice of the same determined that it was appropriate to proceed in accordance with Rule 29 of the FTT Rules;
8. The Applicant’s representative moved the Tribunal to grant an order for eviction, indicating it was the intention of the Applicant to sell the Property. In the absence of any opposition the Tribunal granted such an order;

FINDINGS IN FACT

9. The Tribunal found the following facts to be established;
 - a) By Lease dated 11th November 2017 the Applicant let the Property to the Respondent;
 - b) The lease was a short assured tenancy in terms of the Housing (Scotland) Act 1988 (“the 1988 Act”). A Notice in terms of section 32 of the 1988 Act was served upon and signed by the Respondent prior to execution of the lease;
 - c) The initial period of let was from 11th November 2017 until 12th May 2018;
 - d) A Notice to Quit dated 24th November 2021 was served upon the Respondent requiring vacant possession by Sunday 12th June 2022;

- e) A Notice in terms of Section 33 of the 1988 Act was served upon the Respondent requiring the Respondent to move from the Property on or before 16th June 2022;
- f) A Notice in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003 was intimated to the relevant Local Authority;
- g) It is reasonable that an order for eviction be granted

REASONS FOR DECISION

- 10. Having regard to the fact that the Lease was a short assured tenancy, that a Notice to Quit and a Notice in terms of Section 33 of the 1988 Act had been served upon the Respondent and that the relevant period of Notice had expired, the Tribunal granted an Order for eviction;
- 11. There was no information before the Tribunal to enable it to conclude that it was not reasonable to grant the order sought by the Applicant.

DECISION

The Tribunal grants order to Officers of Court to eject the Respondent and family, servants, dependants, employees and others together with their goods, gear and whole belongings forth and from the Property at Flat 9/4 Crookston Court, Kinnaird Village, Larbert, FK5 4XF and to make the same void and redd that the Applicant or others in their name may enter thereon and peaceably possess and enjoy the same.

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.

Virgil Crawford

16 September 2022

Legal Member/Chair

Date

