



**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/20/1812

Re: Property at 56C Main Street, Ayr, KA8 8EF (“the Property”)

Parties:

Mr Domenico Sfregola, 13 Clarke Ave, Ayr, KA7 2XE (“the Applicant”)

Mr David Gibson, 56C Main Street, Ayr, KA8 8EF (“the Respondent”)

Tribunal Members:

Mark Thorley (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 eviction be granted.

Background

1. The applicant applied to the First-tier Tribunal under Rule 66 by application dated 27 August 2020. Accompanying the application were a copy of the Tenancy Agreement, an AT5, Section 33 Notice, a Notice to Quit, proof of delivery via Sheriff Officers and Section 11 Notice.

2. Authority was given to Homesure Property Management, Unit B5 Olympic Business Park, Dundonald to act on behalf of the applicant.

3. The application was accepted on 16 September 2020.

Case Management Hearing

- 1. At the case management hearing Mr Scott Thomson of Homesure Property Management attended on behalf of the applicant. There was no appearance by or for the respondent. The respondent had not lodged any written representations.**
- 2. Mr Thomson confirmed that the respondent was still in occupation of the property.**
- 3. He was awaiting an order for eviction being granted so that he could obtain Local Authority housing.**

Findings in Fact

- 1. The parties entered into a Short Assured Tenancy dated 16 November 2017 for the property at 56C Main Street, Ayr KA8 8EF.**
- 2. A Notice to Quit the premises dated 11 February 2020 had been served on the respondent by Sheriff Officer on 13 February 2020.**
- 3. All other appropriate documentation was in order.**

Reasons for Decision

- 1. All the paperwork was in order. The Notice to Quit had been served appropriately. The respondent had not made any written representations nor did he attend at the case management discussion.**
- 2. The Tribunal accepted the evidence of the representative of the applicant and granted an order.**

Decision

To grant an order of eviction

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.

Mark Thorley

Legal Member/Chair

Date 28 October 2020