



**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/21/0339

**Re: Property at 25 Fir View, Calderbank, Airdrie, North Lanarkshire, ML6 9SW
("the Property")**

Parties:

**Mrs Lynne Hawthorn, 6 School Rise, Beverley Road, North Newbald, Carlisle,
East Riding, YO43 4FB ("the Applicant")**

**Miss Gillian Morrison, 25 Fir View, Calderbank, Airdrie, North Lanarkshire, ML6
9SW ("the Respondent")**

Tribunal Members:

Nairn Young (Legal Member)

Decision (in absence of the Respondent)

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

- Background

This is an application for an order for possession of the Property, currently occupied by the Respondent in terms of an assured tenancy. It called for a case management discussion ('CMD') at 2pm on 19 May 2021, by teleconference. The Applicant called in to the conference and was represented by Mr Buttery of Freelands, solicitors. The Respondent did not call in and was not represented. The Tribunal allowed until 2:10pm before commencing the CMD, in case the Respondent was unable to join due to technical issues, but no contact was made by her.

The application, with details of the CMD, was served on the Respondent by sheriff officers on 20 April 2021. No written representations have been received from the Respondent. The Tribunal considered that sufficient notice of the CMD had been

given to the Respondent and that to delay consideration of the matter in the hope of securing her attendance would not be in the interests of justice. The CMD therefore proceeded.

- Findings in Fact

1. The Applicant let the property to the Respondent in terms of a short assured tenancy, commencing 27 October 2017 ('the tenancy').
2. The duration of the tenancy was 6 months, continuing thereafter on a monthly basis until ended by either party giving two months' notice from the next rent payment date.
3. Rent was payable on the 27th day of each month.
4. A notice to quit, bringing the tenancy to an end on 26 December 2019, was sent by the Applicant to the Respondent by recorded delivery post on 3 October 2019.
5. A notice in terms of s.33(1)(d) of the Housing (Scotland) Act 1988 ('the Act') was served by the Applicant on the Respondent in the same envelope as the notice to quit.
6. The Respondent continues to occupy the Property in terms of the statutory assured tenancy formed on termination of the tenancy.

- Reasons for Decision

7. The short assured tenancy to which this application relates has reached its end and tacit relocation is not operating. The notice required by s.33(1)(d) of the Act has been sent. The Tribunal must therefore make an order for possession.

- Decision

Order for possession granted.

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.

Nairn Young

Legal Member: Nairn Young

Date: 19th May 2021