



**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/21/1301

**Re: Property at Flat 1/1, 40 Lethamhill Road, Glasgow, G33 2SB (“the
Property”)**

Parties:

**Mrs Sarinder Bagla, 12 Oakridge Road, Bargeddie, Glasgow, G69 7TH (“the
Applicant”)**

**Miss Stacey Martin, Flat 1/1, 40 Lethamhill Road, Glasgow, G33 2SB (“the
Respondent”)**

Tribunal Members:

Neil Kinnear (Legal Member) and Gerard Darroch (Ordinary Member)

Decision

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

Background

This is an application dated 30th May 2021 and brought in terms of Rule 66 (Application for order for possession upon termination of a short assured tenancy) of *The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017* as amended.

The Applicant provided with her application copies of the short assured tenancy agreement, form AT5, notice to quit, section 33 notice, Section 11 notice, relevant executions of service, and payment order.

All of these documents and forms had been correctly and validly prepared in terms of the provisions of the *Housing (Scotland) Act 1988*, and the procedures set out in that Act had been correctly followed and applied.

The Respondent had been validly served by sheriff officers with the notification, application, papers and guidance notes from the Tribunal on 16th July 2021, and the Tribunal was provided with the execution of service.

Case Management Discussion

A Case Management Discussion was held at 10.00 on 16th August 2021 by Tele-Conference. The Applicant participated, and was supported by her son, Mr Bagla. The Respondent participated, and was not represented.

The Tribunal was invited by the Applicant with reference to the application and papers to grant the order sought. She explained that she had obtained an order of the Tribunal in December 2020 against the Respondent in respect of rent arrears. Since then, she had received the monthly rental payments with an additional payment of about £40.00 to reduce the arrears to which the payment order related.

The Respondent confirmed that she did not oppose the granting of the order sought. However, although she acknowledged that the payment order granted by the Tribunal in her absence related to rent arrears which she accepted and were caused by a change in her benefit payments, she believed that the sum awarded was not correct, and was in reality rather less than that awarded.

The Tribunal noted that it was not its role in this application to reconsider a previous decision by a differently constituted Tribunal, but advised the Respondent that she might contact the Tribunal's administration for procedural guidance if she sought to attempt to have the amount in the order reconsidered by the Tribunal which granted that order.

Statement of Reasons

In terms of Section 33 of the *Housing (Scotland) Act 1988* as amended, the Tribunal may make an order for possession of the house let on the tenancy if:

- (1) the short assured tenancy has reached its term;
- (2) tacit relocation is not operating;
- (3) the landlord has given to the tenant notice stating that he requires possession of the house; and
- (4) it is reasonable to make an order for possession.

All of the above criteria have been satisfied in this application, and accordingly the Tribunal shall make an order for possession. The Respondent did not oppose the granting of the order, accepted that some historic rent arrears remained outstanding, and did not seek to argue that it was not reasonable for the Tribunal to grant the order sought.

Decision

In these circumstances, the Tribunal will make an order for possession of the house let on the tenancy as sought in this application.

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.

Neil Kinnear

16/08/2021

Legal Member/Chair

Date