



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 16 of the Housing (Scotland) Act 2014

Chamber Ref: FTS/HPC/EV/21/1785

Re: Property at 478 Castlemilk Road, Glasgow, G44 5PS (“the Property”)

Parties:

Ms Christine Davies, 7/1, 104 Lancefield Quay, Glasgow, G3 8HF (“the Applicant”)

Mr Graeme Ferguson, 478 Castlemilk Road, Glasgow, G44 5PS (“the Respondent”)

Tribunal Members:

Andrew McLaughlin (Legal Member)

Decision (in absence of the Respondent)

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

Background

The Applicant seeks an Eviction Order on the basis of a Notice served under s 33 of the Housing (Scotland) Act 1988. The s 33 Notice and a Notice to Quit and evidence of service of these notices were lodged with the Application together with the tenancy itself and a copy of the AT5. The Applicant had also supplied evidence of having complied with s11 of the Homelessness Etc. (Scotland) Act 2003.

The Case Management Discussion

The Application called as a Case Management Discussion by conference call at 10 am on 23 September 2021. The Application called alongside the related Application of FTS/HPC/CV/21/1788. That Application was in respect of a Payment Order. The

Applicant was represented on the call by Mr Piggot of Lindsays. There was no appearance by or on behalf of the Respondent. The Application together with details about how to join the conference call had been served on the Respondent by Sheriff Officers on 23 August 2021. The Tribunal therefore considered it appropriate to proceed in the absence of the Respondent.

The Tribunal heard from Mr Piggot and specifically asked to be addressed on the reasonableness or otherwise of granting the Application. Having considered the documentation before the Tribunal and being satisfied that it had a sound basis upon which to assess the reasonableness of the Application, the Tribunal made the following findings in fact.

Findings in Fact

- I. *The parties entered into a tenancy at the Property which commenced on 13 October 2015;*
- II. *The Applicant was the landlord and the Respondent was the tenant;*
- III. *The tenancy agreement was a Short Assured Tenancy in terms of the Housing (Scotland) Act 1988;*
- IV. *On 5 January 2021, the Applicant had Sheriff Officers serve a Notice to Quit and a Notice under s 33 of the Housing (Scotland) Act 1988 on the Respondent;*
- V. *The s 33 Notice provided that the Respondent should leave the Property on or before 13 July 2021;*
- VI. *That date ties in with the ish date of the tenancy;*
- VII. *These notices were competently served on the Respondent and provided the correct period of notice reflecting the terms of the Coronavirus (Scotland) Act 2020;*
- VIII. *The Applicant has complied with all necessary statutory requirements in bringing this Application including having given the relevant Local Authority Notice as per s11 of the Homelessness Etc. (Scotland) Act 2003;*
- IX. *The Applicant lives alone in the Property and is not thought to have any dependents;*
- X. *The Applicant has not engaged with the Applicant and has also fallen into rent arrears;*

XI. *The Applicant has monthly mortgage payments to make despite not receiving rental payments from the Respondent;*

XII. *It is reasonable that the Application is granted;*

Reasons for Decision

Having made the above findings in fact, the Tribunal considered that the terms of s33 of the Housing (Scotland) Act 1988 were satisfied. The Tribunal granted the Application and made an Eviction Order.

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.

Andrew McLaughlin

23 September 2021

Legal Member/Chair

Date