



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/22/0277

Re: Property at 75 Corkerhill Place, Glasgow, G52 1RU (“the Property”)

Parties:

Mr John McPhee, Mrs Margaret McPhee, 242 Berryknowes Road, Glasgow, G52 2DD (“the Applicants”)

Miss Diane Irvine, 75 Corkerhill Place, Glasgow, G52 1RU (“the Respondent”)

Tribunal Members:

Nicola Irvine (Legal Member) and Eileen Shand (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicants are entitled to the Order sought for recovery of possession of the property.

[1] Background

The application before the Tribunal was made in terms of Rule 66 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017. The Applicants sought an order to evict the Respondent from the property. The Tribunal intimated the application to the parties by letter of 24 March 2022 and advised them of the date, time and conference call details of today’s case management discussion. In that letter, the parties were also told that they required to take part in the discussion and were informed that the Tribunal could make a decision today on the application if the Tribunal has sufficient information and considers the procedure to have been fair. The Respondent was invited to make written representations by 14 April 2022. No written representations were received by the Tribunal. The Tribunal observed that sheriff officers successfully intimated the application to the Respondent on 25 March 2022.

[2] The case management discussion

The Applicants were represented by Mrs Houston. The case management discussion proceeded by conference call and in the absence of the Respondent. The Tribunal was advised that the Applicants intend to sell the property to their daughter, in the event of them obtaining vacant possession. The Applicants owned 3 properties and have sold their other properties because they no longer wish to be landlords. Both Applicants are retired. The Applicants' representative tried to assist the Respondent in identifying alternative accommodation of a similar size, but the Respondent did not like the property which had been suggested. The Respondent is believed to live in the property with her teenage son and both are in full time employment. The Applicants relied upon section 33 to the Act, namely, that the tenancy had been brought to an end. It was submitted that it is reasonable in all of the circumstances to grant the order for eviction.

[3] Findings in Fact

- i. The parties entered into a short assured tenancy which commenced 27 July 2012.
- ii. The Applicants' representative served the Notice to Quit and Section 33 Notice on the Respondent by sheriff officer on 21 June 2021.
- iii. The short assured tenancy had reached its end.
- iv. Tacit relocation was not operating.
- v. No further contractual tenancy is in operation.

[4] Reason for Decision

The Tribunal proceeded on the basis of the documents lodged and the submissions made at the case management discussion. The Respondent did not lodge any written representations and failed to participate in the case management discussion. The Tribunal was satisfied that the tenancy had been terminated in accordance with section 33 of the Act and that no further tenancy was in operation. In light of the information provided, the Tribunal was satisfied that it is reasonable for the Tribunal to grant the order for 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.

Nicola Irvine

Legal Member/Chair

16 May 2022

Date