



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/22/1092

Re: Property at Flat 2/1, 87 Oban Drive, Kelvinside, Glasgow, G20 6AB (“the Property”)

Parties:

Ms Saima Sheikh, Flat 1/2, 12 Highburgh Road, Glasgow, G12 9YD (“the Applicant”)

Robbie Birrel, Flat 2/1, 87 Oban Drive, Kelvinside, Glasgow, G20 6AB (“the Respondent”)

Tribunal Members:

Nicola Irvine (Legal Member) and Frances Wood (Ordinary Member)

Decision in the absence of the Respondent

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

Background

1. The Applicant submitted an application under Rule 66 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017. The Applicant sought an order to evict the Respondent from the property
2. By decision dated 29 April 2022, a Convenor of HPC having delegated power for the purpose, referred the application under Rule 9 of the Rules to a case management discussion.
3. The Notice of Acceptance was intimated to the Applicant’s representative on 6 May 2022. The Tribunal intimated the application to the parties by letter of 1 June 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 22 June 2022. No written representations were received by the Tribunal.

4. On 12 July 2022, the Applicant's representative lodged a screenshot of a message sent by the Respondent to the Applicant, indicating that he intends to vacate the property on 8 August 2022.

The case management discussion

5. The Applicant was represented by Miss Wooley. The case management discussion took place by conference call and proceeded in the absence of the Respondent. The Applicant's representative explained that the Applicant intends to have extensive renovation work carried out in the property and thereafter intends to sell the property. The Respondent is believed to live alone at the property. The Respondent sent a text message to the Applicant indicating that he did not intend to oppose the present application and intends to vacate the property by 8 August 2022. The Applicant's representative submitted that it was reasonable in all of the circumstances to grant the order for eviction.

Findings in Fact

6. The parties entered into a short assured tenancy which commenced 8 May 2017.
7. The Applicant's representative served the Notice to Quit and Notice in terms of Section 33 of the Housing (Scotland) Act 1988 on the Respondent by recorded delivery on 3 September 2021 indicating that the Applicant required possession of the property by 8 March 2022.
8. The short assured tenancy had reached its end.
9. Tacit relocation was not operating.
10. No further contractual tenancy is in operation.

Reason for Decision

11. The Tribunal proceeded on the basis of the written documents which were before it. The Applicant's representative invited the Tribunal to make the Order sought. The Applicant relied upon Section 33 of the Act. The notice had been properly served. The Tribunal was satisfied that conditions of Section 33 had been met. There was nothing before the Tribunal challenging or disputing any of the evidence before it. The Respondent advised the Applicant of his intention

to leave the property by 8 August 2022. The Tribunal was satisfied that it was reasonable to grant the order evicting the Respondent from the property.

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

19 July 2022

Date