



**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/23/0129**

**Re: Property at 9B Low Barholm, Kilbarchan, PA10 2ES (“the Property”)**

**Parties:**

**Mr Christopher Mitchell, 27 Glen Isla, Neilston, G78 3QZ (“the Applicant”)**

**Miss Mandy Stevenson, 9B Low Barholm, Kilbarchan, PA10 2ES (“the Respondent”)**

**Tribunal Members:**

**Nicola Irvine (Legal Member) and Ann Moore (Ordinary Member)**

**Decision (in 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 for an order to evict the Respondent from the property.
2. By decision dated 10 March 2023, a Convenor of the Housing and Property Chamber (“HPC”) having delegated power for the purpose, referred the application under Rule 9 of the Rules to a case management discussion (“CMD”).
3. The Notice of Acceptance was intimated to the Applicant’s representative on 14 March 2023. Letters were issued on 5 April 2023 informing both parties that a CMD had been assigned for 11 May 2023 at 2pm, which was to take place by conference call. 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 26 April 2023. No written representations were received by the Tribunal.

### **The case management discussion**

4. The CMD took place by conference call. The Applicant was represented by Ms Samantha Hughes. The Respondent did not join the conference call and the discussion proceeded in her absence. The Applicant's representative explained that the Respondent lives alone at the property. It is understood that the Respondent is not in employment and is in receipt of benefits. Following service of the Notice to Quit and Section 33 Notice, the Respondent stopped paying rent and has incurred rent arrears totalling £1,520. The Applicant's representative has attempted to contact the Respondent over the last 2 months but has been unsuccessful in making contact. The Applicant has a mortgage over the property. The Applicant has received a valuation of the property. He intends to have work carried out on the property and thereafter to sell it. It was submitted that in the circumstances, it was reasonable to grant an order evicting the Respondent from the property.

### **Findings in Fact**

5. The parties entered into a short assured tenancy which commenced 28 June 2013.
6. The Applicant's representative served Notice to Quit and Notice in terms of Section 33 of the Housing (Scotland) Act 1988 on the Respondent by sheriff officer on 24 October 2022.
7. The short assured tenancy had reached its end.
8. Tacit relocation was not operating.
9. No further contractual tenancy is in operation.

### **Reason for Decision**

10. The Tribunal proceeded on the basis of the documents lodged and the submissions made at the CMD. The Respondent did not participate in the CMD or submit any written representations. The Tribunal was satisfied that the conditions of section 33 had been met and that it was reasonable in the circumstances to grant the order evicting the Respondent from the property. Accordingly, the Tribunal granted 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.

# N Irvine

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Legal Member/Chair

11 May 2023  
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Date