



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 (“The Act”).

Chamber Ref: FTS/HPC/EV/23/0985

Re: Property at 18 Rylees Crescent, Penilee, G52 4DA (“the Property”)

Parties:

Mrs Audrey Hodgson, 179 Dean Road, Boness, EH51 0HG (“the Applicant”)

Miss Emma McDowall, 18 Rylees Crescent, Penilee, G52 4DA (“the Respondent”)

Tribunal Members:

Andrew McLaughlin (Legal Member) and Mike Scott (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) decided to grant the Application.

Background

The Applicant seeks an Eviction Order under s 33 of the Act. The Application is accompanied by a copy of the tenancy agreement and the notices relied on.

The Case Management Discussion

The Application called for a Case Management Discussion (CMD) by conference call at 10 am on 27 July 2023. The Applicant was personally present. There was no appearance by or on behalf of the Respondent. The Application and information about how to join

the CMD had been served on the Respondent by Sheriff Officers. The Tribunal accordingly decided to proceed in the absence of the Respondent.

Having heard from the Applicant and having adjourned to consider the whole Application, the Tribunal made the following findings in fact.

Findings in Fact

- I. *The parties entered into a tenancy whereby the Applicant let the Property to the Respondent by virtue of a short assured tenancy;*
- II. *The Applicant served a notice under s33 of the Act together with a notice to quit which competently ended the contractual tenancy;*
- III. *The Applicant served a notice to the relevant local authority under s 11 of the Homelessness (etc) (Scotland) Act 2003;*
- IV. *The Respondent failed to vacate the Property by the date set out in the notices;*
- V. *The Applicant is going through personal difficulties and is unable to continue as a landlord;*
- VI. *The Respondent is thought to live in the Property with a child. The Respondent has failed to engage with the Tribunal in any way following service of the Application. It is reasonable that an eviction order is granted.*

Reasons for Decision

Having made the above findings in fact, the Tribunal decided to grant the 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.

Andrew McLaughlin

Legal Member/Chair

27 July 2023

Date