



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/23/1831

Re: Property at 38 Whin Street, Clydebank, Glasgow, G81 3JE (“the Property”)

Parties:

Mr Alexander Cruden, Joanna Cruden, 376 Kilbowie Road, Clydebank, G81 2AR (“the Applicants”)

Ms Tracey Davidson, 38 Whin Street, Clydebank, Glasgow, G81 3JE (“the Respondent”)

Tribunal Members:

Nairn Young (Legal Member) and Ahsan Khan (Ordinary Member)

Decision

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

- Background

This is an application for an order for possession of the Property, which is let to the Respondent by the Applicants in terms of a short assured tenancy. It called for a case management discussion (‘CMD’) at 10am on 14 September 2023, by teleconference. The first-named applicant was on the call in person and was also represented by Mr Caldwell of Patten & Prentice LLP, solicitors. Mr Caldwell also appeared on behalf of the Respondent at the CMD.

- Findings in Fact

1. The Respondent leases the Property from the Applicants under a short assured tenancy with an initial term running for six months from 17 April 2015 and from month to month thereafter.
2. On 17 March 2023, the Applicants served notice to quit on the Respondent, terminating the tenancy on 17 May 2023.
3. On the same date, notice in terms of s.33(1)(d) of the Housing (Scotland) Act 1988 ('the Act') was served by the Applicants on the Respondent.
4. The parties have agreed that it is reasonable for an order for possession to be made.

- Reasons for Decision


5. The tenancy has reached its end and tacit relocation is not operating. The requisite notice under the Act has been served. Parties agree that it is reasonable for an order to be granted.

- Decision

Order for possession granted.

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.


Legal Member/Chair

14th September 2023
Date