



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/20/0602

Re: Property at 40 Beaulieu Place, East Kilbride, G74 1DD (“the Property”)

Parties:

Miss Robyn Park, Mr Andrew Park, Mr Neil Park, 31 St Vincent Crescent, Glasgow, G3 8BG; 66 Callaghan Crescent, East Kilbride, G74 5PS; 20 Bellwood Street, Glasgow, G41 3ER (“the Applicants”)

Miss Kelly McCarthy, Mr Andrew McCann, 40 Beaulieu Place, East Kilbride, G74 1DD (“the Respondents”)

Tribunal Members:

Neil Kinnear (Legal Member)

Decision (in absence of the Respondents)

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

Background

This is an application dated 18th February 2020 and brought in terms of Rule 66 (Application for order for possession upon termination of a short assured tenancy) of *The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017* as amended.

The Applicants provided with their application copies of the short assured tenancy agreement, form AT5, notices to quit, section 33 notices, Section 11 notice, and relevant executions of service.

All of these documents and forms had been correctly and validly prepared in terms of the provisions of the *Housing (Scotland) Act 1988*, and the procedures set out in that Act had been correctly followed and applied.

The Respondents had been validly served by sheriff officers with the notification, application, papers and guidance notes from the Tribunal on 24th June 2020, and the Tribunal was provided with the executions of service.

Case Management Discussion

A Case Management Discussion was held at 14.00 on 31st July 2020 by Tele-Conference. The Applicants did not participate, but were represented by Miss Donnelly, solicitor. The Respondents did not participate, nor were they represented. The Respondents have not responded to this application at any stage either in writing or by any other form of communication.

The Tribunal was satisfied that the requirements of giving notice had been duly complied with, and proceeded with the application in terms of Rules 17 and 29 of *The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017* as amended.

The Tribunal was invited by Miss Donnelly with reference to the application and papers to grant the order sought.

Statement of Reasons

In terms of Section 33 of the *Housing (Scotland) Act 1988*, the Tribunal shall make an order for possession of the house let on the tenancy if:

- (1) the short assured tenancy has reached its end;
- (2) tacit relocation is not operating; and
- (3) the landlord has given to the tenant notice stating that he requires possession of the house.

All of the above criteria have been satisfied in this application, and accordingly the Tribunal shall make an order for possession.

Decision

In these circumstances, the Tribunal will make an order for possession of the house let on the tenancy as sought in this 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.

N Kinnear

31/07/2020

Legal Member/Chair

Date