

**Housing and Property Chamber**  
First-tier Tribunal for Scotland



**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/18/1496**

**Re: Property at 41 Baldovie Road, Glasgow, G52 3EY (“the Property”)**

**Parties:**

**Edward Tweedie, Manorcroft, Suite 204, Old Embroidery Mill, Abbey Mill Business Centre, Paisley, PA1 1TJ (“the Applicant”)**

**Miss Kirsty Brown, 41 Baldovie Road, Glasgow, G52 3EY (“the Respondent”)**

**Tribunal Members:**

**Virgil Crawford (Legal Member)**

**Decision (in absence of the Respondent)**

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

**BACKGROUND**

1. By lease dated 14 April 2017 the Applicant let the Property to the Respondent;
2. The lease was a Short Assured Tenancy as defined in section 32 of the Housing (Scotland) Act 1988 (“the 1988 Act”);
3. A Notice to Quit and a notice in terms of section 33 of the 1988 Act, each dated 23 March 2018, were served on the Respondent by Sheriff Officer on 26 March 2018. Each notice required vacant possession as at 14 June 2018;
4. A notice in terms of section 11 of the Homelessness etc (Scotland) Act 2003 had been intimated to the local authority;
5. The Tribunal had been provided with written authority for Mr John Greenfield to represent the Applicant at the Case Management Discussion;

## **THE CASE MANAGEMENT DISCUSSION**

6. The Applicant was represented at the Case Management Discussion by Mr John Greenfield, as authorised by the Applicant;
7. The Respondent did not attend the Case Management Discussion. The tribunal, being satisfied that in terms of Rule 24(1) of the First Tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 ("the Tribunal Rules") that the Respondent had been given reasonable notice of the date, time and place of the Case Management Discussion, proceeded in the absence of the Respondent, in terms of Rule 29 of the Tribunal Rules;
8. The Tribunal enquired in relation to the designation of the Applicant. The Applicant is detailed as "Manorcroft, Mr Edward Tweedie" in the application to the Tribunal. The lease describes the Landlord as "Manorcroft Properties". The Land Certificate for the Property details the proprietor as "Edward Tweedie". Mr Greenfield confirmed that "Manorcroft" is a trading name for Mr Edward Tweedie. It is not a limited company. The property is owned Mr Tweedie. The lease is in his trading name. The application to the Tribunal contains both names. The Tribunal was satisfied that the Applicant was both the proprietor of the Property and the Landlord and proceeded accordingly;

## **FINDINGS IN FACT**

9. The Tribunal made the following findings in fact:-
  - a) By lease dated 14 April 2017 the Applicant let the Property to the Respondent;
  - b) The lease was a Short Assured Tenancy in terms of section 32 of the 1988 Act;
  - c) A notice to quit and a notice in terms of section 33 of the 1988 Act had been served on the Respondent. Each was served more than 2 months before the date on which vacant possession was sought;
  - d) A notice in terms of section 11 of the Homelessness etc (Scotland) Act 2003 ("the 2003 Act") had been intimated to the local authority;

## **REASONS FOR DECISION**

10. The notices required in terms of section 33 of the 1988 Act having been timeously served upon the Respondent, and the notice required in terms of section 11 of the 2003 Act having been intimated to the local authority, the Tribunal required to grant the order sought;

## **DECISION**

The Tribunal ordered that the Respondent is entitled to recover possession of the Property from the Applicant

## **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.

Virgil Crawford

10 September 2018

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Legal Member/Chair

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Date