



**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/19/1501

Re: Property at 10C Parkhead Lane, Airdrie, ML6 6ND (“the Property”)

Parties:

Mr Graham Meek, 8 Nelson Road, Saltcoats, KA21 5RF (“the Applicant”)

Ms Claire Smith, 10C Parkhead Lane, Airdrie, ML6 6ND (“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 29 October 2016 the Applicant let the Property to the Respondent;
2. The initial period of lease was for 6 months from 29 October 2016 until 29 April 2017;
3. A notice in terms of s32 of the Housing (Scotland) Act 1988 (the “1988 Act”) - commonly referred to as a Form AT5 - was served on the Respondent, and signed by her, prior to execution of the lease. The tenancy was, accordingly, a Short Assured Tenancy in terms of the 1988 Act;
4. A notice to quit and a notice in terms of s33 of the 1988 Act, each dated 21 February 2019 and each requiring vacant possession on 29 April 2019, were served on the Respondent by recorded delivery post and signed for by the Respondent on 22 February 2019;
5. A notice in terms of s11 of the Homelessness etc. (Scotland) Act 2003 was intimated to the local authority;

THE CASE MANAGEMENT DISCUSSION

6. A Case Management Discussion was assigned for 12 July 2019. The Applicant was present. He was represented by Mr Hanif, Messrs Miller Beckett & Jackson, Solicitors, Glasgow.
7. There was no appearance by or on behalf of the Respondent. The Tribunal was in receipt of an Execution of Service by Sheriff Officers confirming that the place, date and time of the Hearing had been intimated to the Respondent, together with a copy of relevant case papers. In the circumstances, the Tribunal, being satisfied in terms of Rule 24 of the First Tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 that the Respondent had received reasonable Notice of the same determined that it was appropriate to proceed in accordance with Rule 29 of the FTT Rules;
8. The Applicant moved the Tribunal to grant an order for eviction. The necessary notices required to terminate the tenancy having been served, the Tribunal was required to grant the order sought;

FINDINGS IN FACT

9. The Tribunal made the following findings in fact:-
 - i. By lease dated 29 October 2016 the Applicant let the Property to the Respondent;
 - ii. The initial period of lease was for 6 months from 29 October 2016 until 29 April 2017;
 - iii. A notice in terms of s32 of the 1988 Act was served on the Respondent, and signed by her, prior to execution of the lease. The tenancy was, accordingly, a Short Assured Tenancy in terms of the 1988 Act;
 - iv. A notice to quit and a notice in terms of s33 of the 1988 Act, each each dated 21 February 2019 and each requiring vacant possession on 29 April 2019, were served on the Respondent by recorded delivery post and signed for by the Respondent on 22 February 2019;
 - v. A notice in terms of s11 of the Homelessness etc. (Scotland) Act 2003 was intimated to the local authority;

DECISION

The Tribunal grants order to Officers of Court to eject the Respondent and family, servants, dependants, employees and others together with their goods, gear and whole belongings forth and from the Property at 6 Dick Road, Kilmarnock, KA1 3AP and to make the same void and redd that the Applicant(s) or others in their name may enter thereon and peaceably possess and enjoy the same.

The order is not to be executed prior to 12 noon on 19 August 2019

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

12 July 2019

Legal Member/Chair

Date