



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 (Act)

Chamber Ref: FTS/HPC/EV/20/1217

Re: Property at Flat 1/19, 59 Fairley Street, Ibrox, Glasgow, G51 2SN (“the Property”)

Parties:

Homeselect Finance (No. 3) Limited, c/o 7 West George Street, Glasgow, G2 1BA (“the Applicant”)

Ms Jean Bentley, Flat 1/19, 59 Fairley Street, Ibrox, Glasgow, G51 2SN (“the Respondent”)

Tribunal Members:

Alan Strain (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the order for eviction and recovery of possession be granted.

Background

This is an application under section 33 of the Act and Rule 66 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (**Regulations**) in respect of the termination of a Short-Assured Tenancy (**SAT**).

The Tribunal had regard to the following documents:

1. Application received 28 May 2020;
2. AT5 dated 30 April 2011;
3. AT6 dated 4 November 2019;
4. SAT commencing 30 April 2015;
5. Section 33 Notice dated 4 November 2019;
6. Notice to Quit dated 4 November 2019;

7. Section 11 Notice to local authority;
8. Email confirming service of Section 11 Notice 28 May 2020;
9. Sheriff Officer Certificate of Service of Notice to Quit and Section 33 Notice dated 8 November 2019;
10. Sheriff Officer Certificate of service of CMD Notification dated 29 July 2020;
11. Schedule of rent arrears.

Case Management Discussion (CMD)

The case called for a CMD by conference call on 20 August 2020. The Applicant did not participate but was represented by its Solicitor. The Respondent did not participate. The Tribunal delayed the commencement of the CMD to see if the Respondent would call in – but she did not.

The Tribunal was satisfied that the Respondent had received notification of the CMD by the Sheriff Officer's Certificate of Service dated 29 July 2020. The Respondent was aware that the Tribunal could determine matters in her absence if it had sufficient information to do so and the procedure was fair.

Decision and Reasons

The Tribunal considered the documentation before it and was satisfied that it had sufficient information to determine the matter at this stage and that the procedure was fair.

The Tribunal made the following findings in fact:

1. The Parties entered into an SAT commencing 30 April 2015;
2. The SAT had reached its end;
3. Tacit relocation was not operating;
4. No further contractual tenancy was in existence;
5. The Applicant had given the Respondent notice that it required possession.

The Tribunal considered the terms of section 33 and found that the statutory requirements had been met. The Tribunal determined that an order for eviction and recovery of possession should be 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.

Alan Strain
Legal Member/Chair

20 August 2020

Date