

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

---



**Decision 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/18/2933**

**Re: Property at 24 Lochburn Gate, Glasgow, G20 0SN (“the Property”)**

**Parties:**

**Mr Lionel Mackey, Ballinclea House, Donard, Co Wicklow, Ireland (“the Applicant”)**

**Ms Alison Moodie, 24 Lochburn Gate, Glasgow, G20 0SL (“the Respondent”)**

**Tribunal Members:**

**George Clark (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application should be granted without a hearing and made an Order for Possession of the Property.**

**Background**

By application, dated 29 October 2018, the Applicant sought an Order for Possession of the Property. The application was accompanied by copies of a Short Assured Tenancy Agreement between the Parties, commencing on 29 December 2015 and ending on 29 December 2016 and, if not terminated on that date, continuing on a month to month basis. The application was also accompanied by a Section 33 Notice and a Notice to Quit, both dated 26 July 2018, both requiring the Respondent to vacate the Property by 29 September 2018.

On 20 December 2018, the Tribunal wrote to the Parties, advising of the date, time and venue for a Case Management Discussion and inviting the Respondent to make written representations no later than 11 January 2019. The Respondent did not make any written representations.

**Case Management Discussion**

A Case Management Discussion was held at Glasgow Tribunals Centre, 20 York Street, Glasgow on the afternoon of 15 January 2019. The Applicant was represented by Kirsty Morrison of TC Young, solicitors, Glasgow. The Respondent was not present or represented.

The Applicant's representative asked the Tribunal to make an Order for Possession without a hearing.

### **Reasons for Decision**

Section 33 of the Housing (Scotland) Act 1988 requires the Tribunal to make an Order for possession of a house let on a Short Assured Tenancy if it is satisfied that the contractual tenancy has reached its end, that tacit relocation is not operating, that no further contractual tenancy is for the time being in existence and the landlord has given to the tenant notice stating that he requires possession of the house.

The Tribunal was satisfied that the contractual tenancy had reached its end, that, as a result of service of the Notice to Quit, tacit relocation was not operating, that no further contractual tenancy was in existence and that the required Notice under Section 33 had been served. Accordingly, the requirements of Section 33 had been met and the Tribunal was required to grant the Order for Possession.

Rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 states that the Tribunal may do anything at a case management discussion which it may do at a hearing, including making a decision. The Tribunal was satisfied that it had before it all the information and documentation it required and that it would decide the application without a hearing.

### **Decision**

The Tribunal determined that the application should be determined without a hearing, that the application should be granted and that an Order for Possession should be made in respect of the Property.

### **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.

Since an appeal is only able to be made on a point of law, a party who intends to appeal the tribunal's decision may wish to request a Statement of Reasons for the decision to enable them to identify the point of law on which they wish to appeal. A party may make a request of the First-tier Tribunal for Scotland (Housing and Property Chamber) to provide written reasons for their decision within 14 days of the date of issue of this decision.

Where a Statement of Reasons is provided by the tribunal after such a request, the 30 day period for receipt of an application for permission to appeal begins on the date the Statement of Reasons is sent to them.

George Clark

\_\_\_\_\_  
Legal member/Chair

15 January 2019  
\_\_\_\_\_  
Date