



**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/19/0339

Re: Property at 4 Milncroft Road, Glasgow, G33 3RS (“the Property”)

Parties:

Lowther Homes Limited, 25 Cochrane Street, Glasgow, G1 1HL (“the Applicant”)

Mr Scott McCaffery, 4 Milncroft Road, Glasgow, G33 3RS (“the Respondent”)

Tribunal Members:

Alison Kelly (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 should be granted.

Background

On 25th January 2019 the Applicant’s solicitor lodged an application in terms of Rule 66 of the First-tier Tribunal for Scotland Housing and Property Chambers Rules of Procedure 2017 (“the Rules”) seeking eviction of the Respondent from the Property.

Lodged with the Application were:

1. Copy Tenancy Agreement dated 27/4/17
2. AT5 dated 24/4/17
3. Notice To Quit dated 16/10/18 terminating the lease at 28/12/18
4. Section 33 Notice dated 16/10/18 terminating the lease at 28/12/18
5. Section 11 Notice dated 7/11/18
6. Sheriff Officer's Certificate of Service dated 17/10/18
7. Copy Rent Statement

Case Management Discussion

The Applicant was represented by David Adams of The Wheatley Group litigation team. The Respondent was not present and was not represented.

The Chairperson invited Mr Adams to address her on what he was seeking and why. He said that he was seeking an order for eviction under Rule 66. The Tenancy Agreement had been brought to an end by service of the Notice To Quit and Section 33 Notice, and tacit relocation was not operating.

Findings In Fact

1. The parties entered in to a lease in respect of the Property.
2. The intial term of the lease was from 1/5/16 to 28/11/16 and monthly thereafter.
3. Notice to Quit and Section 33 Notice were correctly served and brought the tenancy to an end at an ish date, 28/12/18.
4. Tacit relocation was not operating.

Reasons For Decision

The Applicant had complied with sections 32 and 33 of the Housing (Scotland) Act 1988 and the tenancy had been brought to an end.

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.

A.J.Kelly

Legal Member/Chair

J

Date

29/4/19