



**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 ('the Act')**

Chamber Ref: FTS/HPC/EV/19/0648

**Re: Property: Flat 2/4, 153 Bell Street, Glasgow G4 0TD
(‘the Property’)**

PARTIES:

**Miss Karen Mitchell, 4 Carmelaws, Linlithgow, West Lothian EH49 6BU
(‘the Applicant’)
Represented by T C Young Solicitors, 7 West George Street, Glasgow G2 1BA**

**Mr Adnan Alkhalil and
Mrs Hazar Mouad, Flat 2/4, 153 Bell Street, Glasgow G4 0TD
(‘the Respondents’)**

TRIBUNAL MEMBER:

Joseph C Hughes (Legal Member) [sitting alone]

TRIBUNAL CLERK:

Craig Gemmell

DECISION [in absence of the Respondent]

The First-tier Tribunal for Scotland (Housing and Property Chamber) (‘the Tribunal’) determined that the Application should be decided without a full hearing and granted an Order for Possession should be granted.

BACKGROUND

By Application dated 25th February 2019, received on 26th February 2019, the Applicant sought an Order under Section 33 of the Housing (Scotland) Act 1988 and in terms of Rule 66 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 ('the Regulations').

On 7th March 2019, the Application was accepted by the Tribunal and referred for determination by the Tribunal.

A Case Management Discussion ('CMD') was set to take place on 18th April 2019 and appropriate intimation of that hearing was given to both parties. The Respondent was invited to make written representations but they did not submit any written submissions to the Tribunal.

The Tribunal considered the Application and all documentary productions. The Tribunal had sight of the Tenancy Agreement, Form AT5, Notice to Quit, Section 33 Notice, Recorded Delivery receipts relating to the said Notices, Section 11 Notice and email to Local Authority intimating Section 11 Form.

THE CASE MANAGEMENT DISCUSSION

The Case Management Discussion ('CMD') took place on 18th April 2019 at 11.30am within Glasgow Tribunals Centre, York Street, Glasgow.

The Applicant did not attend. Her legal representative, Ms Kay Slater (trainee solicitor) from TC Young Solicitors attended on her behalf.

Mr Adnan Alhalil attended.

The Tribunal explained the purpose of the CMD and the powers available to the Tribunal to determine matters. The Tribunal asked various questions with regard to the Application. Updated information was also noted from the Respondent.

Mr Alhalil expressed his appreciation for the patience and understanding of the Applicant.

He did not legally seek to challenge the Application or granting an Order. He has been looking for accommodation for his family. He has now been offered a new build tenancy which is likely to become available around mid May 2019 when he will vacate the Property.

The Applicant wishes the Tribunal to grant the Order for Possession as sought in the Application.

FINDINGS IN FACT

(i)The Applicant and the Respondent are respectively the Landlord and Tenant. They entered into a tenancy of the property on 7th January 2015.

(ii)The Tenancy was a Short Assured Tenancy in terms of the Act.

(iii)On 1st November 2018 the Applicant served upon the Tenant a Notice to Quit and a Notice in terms of Section 33 (1) (d) of the Act. These Notices were served on the Respondent by sheriff officers.

(iv)The Notices informed the Tenant that the Landlord wished to seek recovery of possession using the provisions of Section 33 of the Act. The Respondent was due to leave the property as at 7th January 2019

(v)The Notices were correctly drafted and gave appropriate periods of notice as required by law.

(vi)The Short Assured Tenancy between the Applicant and the Respondent has reached its ish as at 7th January 2019. Tacit relocation is not operating. No further contractual tenancy is in existence.

(vii)The basis for the Order for Possession was accordingly established.

(viii)The Respondent does not oppose the Application or the granting of an Order for Possession.

REASONS FOR DECISION

Rule 17 of the Regulations provides that the Tribunal may do anything at a CMD 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.

Section 33 of the Act states that the tribunal must grant an Order for Possession of a Short Assured Tenancy where the Short Assured Tenancy has reached its ish, that tacit relocation is not operating, where no new contractual tenancy has been agreed between the Landlord and the Tenant and where the Landlord has given Notice to the Tenant in the manner required by Section 33 (1)(d) of the Act.

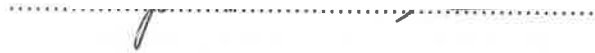
The Tribunal was satisfied that all of these requirements had been met by the service of the relevant notices and having regard to the evidence given by the Applicant.

Accordingly, the Tribunal was satisfied that the reason for the Order for Possession had been established and that in terms of the relevant section, the Tribunal was obliged to GRANT the Order sought.

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.

Mr Joseph C Hughes



'Joseph C Hughes'
Legal Chair (HPC)

18th April 2019.