



**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/18/1424

Re: Property at 11 Swisshot Avenue, Hamilton, ML3 8DN (“the Property”)

Parties:

**Mr Patrick Dunese, Mrs Diane Dunese, C/O Location, 83 Cadzow Street,
Hamilton, ML3 6DY (“the Applicant”)**

**Ms Claire Blacklaw, 11 Swisshot Avenue, Hamilton, ML3 8DW (“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 decided without a hearing
and that the application for recovery of possession should be granted.**

Background

By application, received by the Tribunal on 7 June 2018, the Applicant sought an Order for possession of the Property.

The application was accompanied by a copy of a Short Assured Tenancy Agreement dated 29 March 2017, the tenancy commencing on that date and terminating on 29 September 2017. The application was also accompanied by a copy of an AT5 Notice, dated 29 March 2017 and by copies of a Notice to Quit, requiring the Respondent to vacate the Property on 29 December 2017 and of a Notice given under Section 33 of the Housing (Scotland) Act 1988 (“the 1988 Act”), dated 26 October 2017, also requiring the Respondent to vacate the Property by 29 December 2017. The copy Notice to Quit was undated, but it was accompanied by proof of service by sheriff officers on 27 October 2017.

By letter dated 8 September 2018, the parties were advised that the Tribunal would hold a Case Management Discussion on 2 October 2018 and the Respondent was invited to make written representations in response to the application.

The Respondent did not make any written representations to the Tribunal.

The Case Management Discussion

The Case Management Discussion was held at Glasgow Tribunals Centre on the afternoon of 2 October 2018. The Applicant was represented by Stephanie Carr, Partner, Blackadders LLP, Standard Buildings, 94 Hope Street, Glasgow G2 6QB. The Respondent was neither present nor represented at the Case Management Discussion.

The Applicant's representative asked the Tribunal to exercise its right to make a decision on the application without a hearing and to make the Order for possession sought in the application.

Rule 17(4) of the first-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 states that "The First-tier Tribunal may do anything at a case management discussion that it may do at a hearing, including making a decision".

The Tribunal was satisfied that it had before it all the information that it required in order to make a decision and that, as the Respondent had not made any written representations and was not present or represented, it was able to decide the application without a hearing.

Reasons for Decision

Having seen copies of the Form AT5, the Notice to Quit and the Notice given under Section 33 of the 1988 Act, the Tribunal was satisfied that the tenancy was a Short Assured Tenancy, that it had reached its end, that tacit relocation was not operating, that no further contractual tenancy was operating and that the Applicant had given to the Respondent notice that the Applicant required possession of the Property.

Decision

The Tribunal accordingly held that the requirements of Section 33 of the 1988 Act had been met and that the Tribunal was required to grant the application and to make an Order for possession 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.

George Clark

Legal Member/Chair

2 October 2018

Date