



**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/18/1648**

**Re: Property at 2/2, 22 Fieldhead Drive, Glasgow, G43 1HH (“the Property”)**

**Parties:**

**Mrs Carol Campbell, 20 Leebank Drive, Glasgow, G44 3XD (“the Applicant”)**

**Miss Jennifer Hannah, 2/2, 22 Fieldhead Drive, Glasgow, G43 1HH (“the  
Respondent”)**

**Tribunal Members:**

**Nicola Weir (Legal Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the  
Tribunal”) determined that the application for the order for possession should  
be granted.**

**Background**

1. By application received on 2 July 2018, the Applicant sought an order under Section 33 of the Housing (Scotland Act 1988 for possession of the Property on termination of a Short Assured Tenancy. The application was made in terms of Rule 66 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Regulations”).
2. On 17 August 2018, a Legal Member of the Tribunal with delegated powers from the Chamber President issued a Notice of Acceptance in respect of the application in terms of Rule 9 of the Regulations.
3. A Case Management Discussion (“CMD”) was fixed for 1 October 2018 and intimation of same given to the parties. Notification of the date and time of the CMD, together with a copy of the application and supporting documentation

was served on the Respondent by Sheriff Officer on 10 September 2018. No written representations were received from or on behalf of the Respondent.

### **Case Management Discussion**

4. The CMD took place on 1 October 2018 before the Legal Member ("the Tribunal"). The Applicant was present and accompanied by Mr Matthew Ashelby, Property Manager and Mr John Hempstead, Property Team Manager from Countrywide Lettings ("the Applicant's agent). The Respondent was not present but was represented by Miss Christine McKellar of Govan Law Centre ("the Respondent's representative).
5. The Respondent's representative's details had not been intimated to the Tribunal or the Applicant in advance of the CMD. The Respondent's representative explained that she had only learned of the CMD on Friday, 28 September 2018 and had accordingly not been able to lodge representations on behalf of the Respondent. She explained that the Respondent has mental health issues and is receiving support from a number of agencies. She further advised that she had been in previous email contact with the Applicant's agent, although it transpired that this had been with the a separate branch office.
6. The Tribunal explained the purpose of the CMD and the power of the Tribunal to determine the application at the CMD, if appropriate. The Tribunal referred to the documentation submitted in support of the application and asked the Applicant and the Respondent's representative questions.
7. The Respondent's representative indicated that the Respondent was not opposing the application for eviction being granted today. She agreed that the Notice to Quit and Section 33 Notices were valid and that the application was in order. The Respondent is seeking alternative accommodation.
8. The Respondent's representative indicated that she has been instructed in relation to the rent arrears and would be in contact with the Applicant's agent in that regard. The Applicant also indicated that she had a right of entry application ongoing. Both parties agreed that these matters were not before the Tribunal today.
9. The Tribunal advised that the application would be granted.

### **Findings in Fact**

10. The Applicant is owner and landlord of the Property. The Respondent is the tenant.
11. The Property is let to the Respondents by virtue of a Short Assured Tenancy which commenced on 26 May 2016. The initial term of the lease was 6 months, until 26 November 2016, and thereafter continued monthly.

12. The Applicant ended the contractual tenancy by serving a Notice to Quit dated 21 May 2018, specifying an ish date of 26 July 2018, which was an ish date in terms of the lease. A Section 33 Notice, also dated 21 May 2018, was also served, specifying that the landlord required vacant possession on 26 July 2018. Both notices were in the current form, provided sufficient notice and were served validly on the Respondent by the Royal Mail's "Signed For" service on 22 May 2018.
13. The Respondent was not opposing the order for possession being granted.

### **Reasons for Decision**

14. Having regard to the overriding objective that proceedings must be dealt with justly, the Tribunal determined that, in the circumstances of this case and having regard to Rules 17 and 18 of the Regulations, this case could be determined at the CMD and did not require to be continued to a Hearing.
15. Section 33 of the Act states that an order for possession shall be granted by the Tribunal if satisfied that (a) the short assured tenancy has reached its ish; (b) that tacit relocation is not operating; (c) that no further contractual tenancy is in existence and (d) that the landlord has given to the tenant notice stating that he requires possession of the house.
16. The Tribunal was satisfied that the requirements of Section 33 of the Act had been met and that the application for possession should accordingly be granted.

### **Decision**

17. The order for possession was 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.**

**Nicola Weir**

**Legal Member/Chair**

**Date**

1 October 2018