



**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/19/3458

Re: Property at 6 Girthon Street, Sandyhills, G32 9BX (“the Property”)

Parties:

Mr Brian Queen, 52 Whitehill Avenue, Steps, G33 6BN (“the Applicant”)

**Mrs Carolyn Cameron, 6 Girthon Street, Sandyhills, G32 9BX (“the
Respondent”)**

Tribunal Members:

Virgil Crawford (Legal Member)

Decision (in absence of the Respondent)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that**

BACKGROUND

1. By lease dated 27 October 2017 the Applicant let the Property to the Respondent;
2. The initial period of let was from 30 October 2017 until 30 April 2018;
3. Prior to the lease being signed the Respondent was served with, and signed, a notice in terms of s32 of the Housing (Scotland) Act 1988 (the “1988 Act”) – commonly referred to as a Form AT5 – and the lease was, therefore, a Short Assured Tenancy in terms of the 1988 Act;
4. A Notice to Quit and a notice in terms of s33 of the 1988 Act, both dated 29 May 2019, were served upon the Respondent by Recorded delivery post. These were received by the Respondent on 30 May 2019 and a Royal Mail Proof of Delivery receipt was provided to the Tribunal. Both notices required vacant possession as at 30 July 2019;
5. A notice in terms of s11 of the Homelessness etc. (Scotland) Act 2003 was intimated to the local authority;

6. On 10 December 2019 correspondence was received from Govanhill Law Centre advising that they were instructed by the Respondent and that the Respondent did not intend to oppose the application. On the morning of the Case Management Discussion (20 December 2019) an e mail was received from the Govanhill Law Centre advising that the Respondent's position remained that she did not oppose the application, that neither they nor their client, the Respondent would be attending the Case Management Discussion, and that they anticipated that the order was "likely to be granted";

THE CASE MANAGEMENT DISCUSSION

7. The Applicant did not attend the Case Management Discussion but was represented by Miss S Miller of CODA Estates, Lenzie;
8. The Respondent failed to attend. The Tribunal was in receipt of an execution of service by sheriff officers confirming that the place, date and time of the Case Management Discussion had been intimated to the Respondent, together with a copy of the case papers. In the circumstances the Tribunal, being satisfied in terms of Rule 24 of The First Tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (the "FTT Rules") that the Respondent had received reasonable notice of the same determined that it was appropriate to proceed in accordance with Rule 29 of the FTT Rules. In addition, the Respondent had instructed legal agents who had corresponded with the Tribunal thereby confirming her knowledge of the proceedings;
9. Miss Miller moved the Tribunal to grant an order for eviction and, the legal requirements for that having been met, the Tribunal determined that it was appropriate to do so;

FINDINGS IN FACT

10. The Tribunal found the following facts to be established:-
 - i. By lease dated 27 October 2017 the Applicant let the Property to the Respondent;
 - ii. The initial period of let was from 30 October 2017 until 30 April 2018;
 - iii. Prior to the lease being signed the Respondent was served with, and signed, a notice in terms of s32 of the Housing (Scotland) Act 1988 (the "1988 Act") – commonly referred to as a Form AT5 – and the lease was, therefore, a Short Assured Tenancy in terms of the 1988 Act;
 - iv. A Notice to Quit and a notice in terms of s33 of the 1988 Act, both dated 29 May 2019, were served upon the Respondent by Recorded delivery post. These were received by the Respondent on 30 May 2019. Both notices required vacant possession as at 30 July 2019;
 - v. A notice in terms of s11 of the Homelessness etc. (Scotland) Act 2003 was intimated to the local authority;

DECISION

The Tribunal granted an order against the Respondent for possession of the Property under section 33 of the Housing (Scotland) Act 1988 and grants order to Officers of Court to eject the Respondent and family, servants, dependants, employees and others together with their goods, gear and whole belongings furth and from the Property at 6 Girthon Street, Sandyhills, G32 9BX and to make the same void and redd that the Applicant or others in their name may enter thereon and peaceably possess and enjoy the same.

The order is not to be executed prior to 12 noon on 27 January 2020

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.

Virgil Crawford

20 December 2019

Legal Member/Chair

Date