



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland  
(Housing and Property Chamber) under Section 18 of the Housing (Scotland)  
Act 1988**

**Chamber Ref: FTS/HPC/EV/18/0258**

**Re: Property at 29 Drive Road, Glasgow, G51 4AG (“the Property”)**

**Parties:**

**Mr Andrew MacKinnon, 17 Victoria Road, Bookfield, Johnstone, PA5 8TZ  
 (“the Applicant”)**

**Mr Scott Martin, 29 Drive Road, Glasgow, G51 4AG (“the Respondent”)**

**Tribunal Members:**

**Fiona Watson (Legal Member)**

**Decision**

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

- Background

The Applicant submitted an Application to the First-tier Tribunal on 2 February 2018 seeking an order for possession in terms of Rule 66. The Case Management Discussion took place on 27 March 2018 at 2pm. The Applicant was represented by Andrew Pirie of Bannatyne, Kirkwood, France & Co. The Respondent was personally present.

- The Hearing/Case Management Discussion

The Applicant’s representative moved his Application for an Order for Possession to be granted in terms of section 33 of the Housing (Scotland) Act 1988. The Respondent opposed this on the basis that he did not consider that two months’ notice was sufficient as he had resided in the property for over 10 years, and further stated that the Landlord had not complied with the relevant gas safety regulations for the property by not having a valid gas safety certificate in place.

- Findings in Fact

The Legal Member found that the terms of section 33 of the Housing (Scotland) Act 1988 had been complied with. A competent notice to quit together with notice in terms of section 33 of the said Act had been served by Sheriff Officer. Both notices gave at least two months' notice, tying in with the ish date of the tenancy. The Applicant was therefore entitled to his Order for Possession.

- Reasons for Decision

The Respondent's wish to be given more notice was irrelevant. The timescales laid down in section 33 of the said Act had been complied with. The Respondent's contention that the landlord did not have in place a valid gas safety certificate was not one which was relevant to the question of whether the Applicant was entitled to his Order in terms of section 33 of the said Act and not a defence to the Application being sought.

- Decision

An 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 given orally at the Case Management Discussion.**

**F Watson**

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Legal Member/Chair

27/3/18  
\_\_\_\_\_  
Date