



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

Reference number: FTS/HPC/EV/23/1227

Order granted on 18 October 2023

Property: 39 Ailsa Road, Coatbridge, ML5 5HW

Parties:

Kenneth MacDonald, residing at 29 Glen Noble, Cleland, Motherwell, ML1 5FB (“the Applicant”)

James Carragher, residing at 39 Ailsa Road, Coatbridge, ML5 5HW (“the Respondent”)

**Tribunal Members:**

**Paul Doyle (Legal Member)**  
**Gerard Darroch (Ordinary Membr)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) makes an order for possession of the Property in terms of section 33 of the Housing (Scotland) Act 1988.**

**Background**

The Applicant sought recovery of possession of the Property in terms of Section 33 of the Housing (Scotland) Act 1988 (“the 1988 Act”). The Applicant had lodged with the Tribunal Form E. The documents produced were a Tenancy Agreement dated 13/06/2014, a Notice to Quit and s.33 notice, both served on 13/01/2023, together with a notice under s.11 of the Homelessness (Scotland) Act 2003. A copy land certificate was lodged with the Tribunal which showed that the applicant is joint heritable proprietor of the Property.

## **Case Management Discussion**

A case management discussion took place by telephone conference at 2.00pm on 18 October 2023. The Applicant was represented by Ms J Porch. The respondent was present but unrepresented.

## **Findings in Fact**

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent entered into a short-assured tenancy Agreement for the Property dated 13/06/2014. The lease initially ran from 13/06/2014 to 13/12/2014.
2. The rent in terms of the Tenancy Agreement was £550 per month.
3. The Tenancy Agreement set out the grounds on which the Landlord could seek recovery of possession of the Property in terms of Schedule 5 of the 1988 Act.
4. A notice to quit and a s.33 notice were served on the Respondent on 13/01/2014. The tenancy is a short-assured tenancy and the respondent received the notice to quit and the s.33 notice timeously. The s.33 notice brought the tenancy to an end on 15/04/2023.
5. The Applicant sought recovery of possession of the Property in terms of s.33 of the Housing (Scotland) Act 1988 because the landlord wants to move into the property and the property was previously his principal residence.
6. The weight of reliable evidence indicates that it is reasonable to grant an order for repossession of the property. The respondent offers no resistance to this application.

## **Reasons for the Decision**

The Tribunal determined to make an Order for possession of the Property in terms of Section 33 of the 1988 Act. The tenancy was a short-assured tenancy. Correct notice was given which brought the short-assured tenancy to an end on 15/04/2023. The basis for possession set out in ground 1 of Schedule 5 & s.33 of the 1988 Act is established. The respondent offers no defence to the application. The finite time for occupancy of the property as a short-assured tenancy has come to an end. For these reasons, the Tribunal determined to grant an Order for possession.

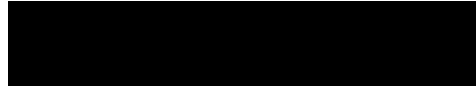
## **Decision**

For the foregoing reasons, the Tribunal determined to make an Order for possession.

## **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.**

**18 October 2023**



**Legal Member**