



**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/19/0497

Re: Property at 41 The Paddock, Hamilton, ML3 0RF (“the Property”)

Parties:

**Ms Yvonne Lam, Ms Kwok Ling Li, c/o Leonards Solicitors, 133 Cadzow Street,
Hamilton, ML3 6JG (“the Applicants”)**

Mr Derek Johnstone, 41 The Paddock, Hamilton, ML3 0RF (“the Respondent”)

Tribunal Members:

Lesley Dowdalls (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicants are entitled to recover possession of the property at 41 The Paddock, Hamilton ML3 0RF, on the grounds of the termination of the short assured tenancy under s33 of the Housing (Scotland) Act 1988.

The Applicant, Ms Lam attended today and was represented by her solicitor, Ms Turner.

The Respondent did not attend, and had made no written representations.

The Tribunal proceeded with the application in the absence of AT5 Short Assured Tenancy Notice as this could not be produced. The reasons for non-production are explained in letter dated 26th March 2019 from the Applicants’ Solicitor, which is contained in the case papers. This matter had been considered by the tribunal previously and a decision of 5th April 2019 determined that the case could proceed in the absence of such statutory notice.

Findings in Fact

1. The parties entered into a short assured tenancy agreement on 23rd June 2017. A copy of said agreement is attached to the application.
2. The period of the tenancy was 23rd June 2017 to 23rd December 2018.
3. The tenancy has reached its end date ("ish"), that date being 23rd December 2018.
4. Tacit relocation is not operating
5. No further contractual tenancy (whether a short term assured tenancy or not) is for the time being in existence
6. The Applicants have given the tenant notice that they require possession of the house
7. Notice in terms of s33 of the Housing (Scotland) Act 1988 was served on the Respondent by sheriff officers on 22nd October 2019.
8. Notice to Quit was served on the Respondent by Sheriff Officers on 22nd October 2019.
9. Execution of service by sheriff officers of Notice to Quit and s33 Notice is produced in the case papers.
10. Notice to South Lanarkshire Council under s19A(1) of the Housing (Scotland) Act 1988 was intimated by Recorded Delivery on 13th February 2019 and confirmation of service is contained in the case papers.

Findings in Law

1. The Applicants have complied with the statutory notice requirements and in terms of s33 of the Housing (Scotland) Act 1988, are entitled in law to recover possession of the property at 41 The Paddock, Hamilton ML3 0RF.

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.

Lesley Dowdalls

Legal Member/Chair

20th May 2019

Date