



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/CV/18/3377

Re: Property at 177 Titwood, Glasgow, G41 4BL (“the Property”)

Parties:

Mr Waqar Ahmad, Mrs Afshan Ahmad, C/O The Property Store (GB) LTD, 111 Albert Drive, Glasgow, G41 2SU; C/O The Property Store, 111 Albert Drive, Glasgow, G41 2SU (“the Applicants”)

Mr Lawrence Reilly, 177 Titwood, Glasgow, G41 4BL (“the Respondent”)

Tribunal Members:

Lesley Ward (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for possession of the property at 177 Titwood Road Glasgow G41 4BL be made in terms of s33 of the Housing (Scotland) Act 1988.

This is a case management discussion ‘CMD’ in connection with an application in terms of rule 66 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017, ‘the rules’ and s33 of the Housing (Scotland) Act 2014, ‘the Act’. The tribunal is holding a joint CMD in connection with a second application in terms of rule 70 of the rules. The tribunal had before it the following copy documents:

1. Application dated 10 December 2018 and received by the tribunal on 11 December 2018.
2. Short assured tenancy agreement dated 24 September 2014.
3. AT5 dated 24 September 2014.
4. Notice to quit dated 21 August 2018.

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5. S33 notice dated 21 August 2018.
6. Execution of service of items 4 and 5 by sheriff officer on 22 August 2018.
7. S11 notice to local authority and certificate of intimation by solicitor dated 10 December 2018.
8. Land certificate.
9. Execution of service of application and notification of CMD by sheriff officer on 16 January 2019.

Discussion

The applicants were represented by Mr Michael Ritchie solicitor. The respondent did not attend and he was not represented. . Mr Ritchie sought the order for possession on the basis that the s33 and notice to quit were valid and the order is mandatory.

Findings in fact and law

1. That the applicants are the owners of the property at 177 Titwood Road Glasgow G41 4BL, 'the property'.
2. That the first named applicant entered into a short assured tenancy agreement with the respondent on 24 September 2014 for the let of the property for the initial period of 6 months from 24 September 2014 until 24 March 2015 and thereafter month to month.
3. That the notice required to end the tenancy as provided for in the tenancy agreement was two months.
4. That the applicants served a valid notice to quit and s33 notice dated 21 August 2018 on the respondent by sheriff officer on 22 August 2018.
5. That the short assured tenancy has reached its ish.
6. That tacit relocation is not operating.
7. That no further contractual tenancy is for the time being in existence.
8. That the applicants have served the appropriate notice on the local authority in terms of s11 of the Homelessness etc (Scotland) Act 2003.

Reasons

This is an undefended application to recover possession of the property at the expiry of the term of the short assured tenancy. The tribunal is satisfied that the respondent has received appropriate notification of the application and today's CMD in terms of rule 24. The tribunal proceeded with the CMD in terms of rule 29 in the absence of the respondent. The tribunal is satisfied that it has sufficient information before it today to make a decision and is satisfied that the procedure has been fair. The

notice to quit and s33 notice are valid and were validly served on the respondent and the short assured tenancy has reached its ish. An order for possession is therefore mandatory. The tribunal accordingly granted order sought.

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.

Ms Lesley A Ward

4 February 2019

Lesley A Ward Legal Member

Date