

**Housing and Property Chamber**  
First-tier Tribunal for Scotland



**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/18/1209**

**Re: Property at 10/1, 104 Mavisbank Gardens, Festival Park, Glasgow, G51 1HR  
("the Property")**

**Parties:**

**Mr Sulaiman Almatar, PO Box 32030, Rumaitia, 25551, Kuwait ("the  
Applicant")**

**Mr Thomas Bryce, 10/1, 104 Mavisbank Gardens, Festival Park, Glasgow, G51  
1HR ("the Respondent")**

**Tribunal Members:**

**Andrew Cowan (Legal Member)**

**Decision (in absence of the Respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the  
Tribunal") determined that the Applicant is entitled to the Order sought for  
recovery of possession of the property.**

**Background**

The Applicant submitted an application seeking an order to evict the Respondents from the property at Flat 10/1, 104 Mavisbank Gardens, Festival Park, Glasgow, G51 1HR. The Tribunal intimated the application to the parties by letter of 4<sup>th</sup> July 2018 and advised them of the date, time and place of a case management discussion which had been fixed for 9<sup>th</sup> August 2018. In that letter, the parties were also told that they required to attend the case management discussion and were informed that the Tribunal could make a decision today on the application if the Tribunal has sufficient information and considers the procedure to have been fair.

**The Case Management Discussion**

The Applicant was represented by Mr Tavaid Haq, a Director of the Applicant's Letting agents (Messrs Martin and Co). Mr Haq was accompanied by Ms Isabella Brisbane, and administrator with the Martin and Co.

Andrew  
Cowan

The case management discussion proceeded in the absence of the Respondent. The Respondent did not lodge any written representations with the Tribunal.

Mr Haq advised that the Applicant seeks to rely upon Section 33 of the Housing (Scotland) Act 1988. The Applicant's position was that the conditions set out in Section 33 of the Act have been met and the short assured tenancy terminated at the ish.

**Findings in Fact:**

1. The Applicant and the Respondents entered into a Tenancy Agreement dated 3<sup>rd</sup> May 2016. The period of the tenancy was from 16<sup>th</sup> May 2016 to 16<sup>th</sup> November 2016. Thereafter, the tenancy continued on a monthly basis.
2. The Applicant's agent served notice on terms of Section 33 of the Housing (Scotland) Act 1988 on 13<sup>th</sup> March 2018 indicating that the Applicant required possession of the property on or before 16<sup>th</sup> May 2018.
3. The Applicant served a Notice to Quit on 13<sup>th</sup> March 2018 indicating that the Respondents required to remove from the property by 16<sup>th</sup> May 2018.
4. The short assured tenancy had reached its ish.
5. Tacit relocation was not operating.
6. No further contractual tenancy is in operation.
7. The Applicant is entitled to the Order sought for repossession.

**Reason for Decision**

The Tribunal proceeded on the basis of the written documents which were before it. The Applicant's representative invited the Tribunal to make the Order sought. The Applicant relied upon Section 33 of the Act. The notice had been properly served. The Tribunal was satisfied that conditions of Section 33 had been met. There was nothing before the Tribunal challenging or disputing any of the evidence before it.

**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.**

Andrew Cowan

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**Legal Member/Chair**

9/8/18  
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**Date**