



**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/19/1091

Re: Property at 9 Phoenix Road, Bellshill, ML4 1JF (“the Property”)

Parties:

**Mr Colm Brogan, C/O The Property Bureau, Melville House, 70 Drymen Road,
Bearsden, G61 2RH (“the Applicant”)**

**Miss Lisa Crilly, formerly at 9 Phoenix Road, Bellshill, ML4 1JF and now at 12
Holly Grove, Bellshill, ML4 1EG (“the Respondent”)**

Tribunal Members:

Melanie Barbour (Legal Member)

Decision

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

Background

1. An application was received under rule 66 of the First Tier Tribunal for Scotland (Housing and Property Chamber) (Procedure) Regulations 2017 (“the 2017 Rules”) seeking recovery of possession under a short assured tenancy by the Applicants against the Respondent for the property.
2. The application contained :-
 - A copy of the tenancy agreement,
 - a copy of the AT5,
 - a copy of the Section 33 Notice,
 - a copy of the Notice to Quit,
 - evidence of service by post, and
 - Section 11 Notice.

3. The Notice of the Hearing had been served on the Respondent by sheriff officers on 23 April 2019.
4. The Applicants' agent, Mr Wilson, from Messrs Pomphreys appeared on behalf of the Applicant. The Respondent was in attendance

Case Management Discussion

5. Reference was made to the papers lodged in support of the application, including the tenancy agreement, AT5, notice to quit, Section 33 notice, section 11 notice and post office certificate. The Respondent confirmed that she had received the section 33 notice and notice to quit.

Findings in Fact

6. I found the following facts established:-
7. That there was a tenancy agreement between the Applicant and the Respondent in respect of the property.
8. That it had commenced on 1 November 2017 for an initial period of 6 months until 1 May 2018. The agreement was for an initial period of 6 months and it would be renewed 6 monthly thereafter.
9. The tenancy agreement had been signed by the parties on 1 November 2017.
10. The AT5 Form was in the prescribed format and there was evidence that it had been given to the Respondent prior to the creation of the tenancy agreement.
11. The notice to quit and section 33 notices contained the prescribed information and both were dated 13 December 2018, both sought vacant possession as at 1 March 2019. Both provided more than 2 months' notice of vacant possession.

Reasons for Decision

12. Section 33 of the 1988 Act requires me to grant an order for possession under a short assured tenancy, where the tenancy has reached its term; tacit relocation is not operating; no further contractual tenancy for the time being is in existence; and the landlord has given notice to the tenant that they require possession of the house.
13. I was satisfied that a short assured tenancy had been created.
14. I was satisfied with the terms of the section 33 notice and the notice to quit. I was also satisfied that these notices had been served on the Respondent.

15. I was satisfied that all of the requirements of section 33 had been met and I consider therefore that I am required to grant an order for eviction under section 33 of the Housing (Scotland) Act 1988.

Decision

I grant an order in favour of the Applicant against the Respondent for recovery of possession of the property.

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.

M Barbour

20.5.19

Legal Member/Chair

Date