

Housing and Property Chamber
First-tier Tribunal for Scotland



`Decision 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/18/1718

Re: Property at 6 Addiewell Place, Coatbridge, ML5 4DS (“the Property”)

Parties:

Mr Gary McLelland, 20 Gartcolt Place, Coatbridge, ML5 2FN (“the Applicant”)

Ms Victoria Johnson, 6 Addiewell Place, Coatbridge, ML5 4DS (“the Respondent”)

Tribunal Members:

Colin Dunipace (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an Order should be granted in terms of Section 33 of the Housing (Scotland) Act 1988.

Background

By Application dated 6 July 2018 the Applicant had applied to the Tribunal under Rule 66. The Application was accompanied by a copy of the tenancy agreement, dated 14 September 2016, Form AT5 dated 14 September 2016, Notice to Quit dated 4 April 2018, Copy AT6 dated 4 April 2018, and copy Section 11 letter to the Local Authority dated 6 July 2018.

Case Management Discussion

This Application called before me in Glasgow on 1 November 2018. At this Discussion the Applicant was represented by Miss Eilidh Crawford of Clarity Simplicity, Solicitors. The Respondent was not present. Service of the proceedings having been lawfully served I directed that the Case Management Discussion proceed in her absence.

For the Applicant Miss Crawford indicated that a Short Assured Tenancy Agreement had been entered into between the parties in respect of the subjects on 14 September 2016. In terms of Clause two of the aforementioned Tenancy Agreement the notice period for termination of the lease was fixed at two months. The initial lease had been to run until 15 March 2017, but had continued by the operation of tacit relocation since then.

Miss Crawford indicated that it was the understanding of the Applicant that the respondent had vacated the property and that there were outstanding arrears of rent due. Miss Crawford indicated that Notice to Quit had been lawfully served upon the Respondent on 4 April 2018 providing for a date of 15 June 2018 as the date for removal from the subjects. There had been no contact from the Respondent since that date.

In these circumstances I was satisfied that the Applicant was entitled to the Order as craved in terms of section 33 of the Housing (Scotland) Act 1988.

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.

Since an appeal is only able to be made on a point of law, a party who intends to appeal the tribunal's decision may wish to request a Statement of Reasons for the decision to enable them to identify the point of law on which they wish to appeal. A party may make a request of the First-tier Tribunal for Scotland (Housing and Property Chamber) to provide written reasons for their decision within 14 days of the date of issue of this decision.

Where a Statement of Reasons is provided by the tribunal after such a request, the 30 day period for receipt of an application for permission to appeal begins on the date the Statement of Reasons is sent to them.

Colin Dunipace

Legal Member

Date

11/11/18