

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 18(1) of the Housing
(Scotland) Act 1988**

Chamber Ref: FTS/HPC/EV/19/3336

**Re: Property at 29 Anderson Drive, Newton Mearns, Glasgow, G77 6UR (“the
Property”)**

Parties:

**Mr Gerald Mann and Mrs Elaine Mann, 464 Clarkston Road, Glasgow, G44 3QE
 (“the Applicants”)**

**TC Young Solicitors, 7 West George Street, Glasgow, G2 1BA (“the Applicants’
Representative”); and**

**Ms Carolanne Brady, 29 Anderson Drive, Newton Mearns, Glasgow, G77 6UR
 (“the Respondent”)**

Tribunal Member:

G McWilliams- Legal Member

Decision in absence of the Respondent

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

Background

1. This is an Application dated 17th October 2019 brought in terms of Rule 66 (Application for order for possession upon termination of a short assured tenancy) of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 as amended (“the 2017 Regulations”).
2. The Applicants provided the Tribunal, in the Application, with copies of the parties’ Short Assured Tenancy agreement, Form AT5, Notice to Quit and

Section 33 and 11 Notices with relevant Executions of Service. All of these documents and forms had been correctly and validly prepared in terms of the provisions of the Housing (Scotland) Act 1988 ("the Act"), and the procedures set out in the Act had been correctly followed and applied.

3. The Respondent had been validly served by Sheriff Officers with the Notification, Application papers and Guidance Notes from the Tribunal on 20th November 2019, and the Execution of Service was produced.

Case Management Discussion

4. A Case Management Discussion ("CMD") was held on 18th December 2019 at Glasgow Tribunals Centre, 20 York Street, Glasgow. The Applicants were represented by Ms K. Morrison of TC Young Solicitors, Glasgow. The Respondent did not appear and was not represented. Ms Morrison asked the Tribunal to make the order for payment sought in the Application. She submitted that the Respondent had been effectively served with all papers in respect of the Application, for an order for possession upon termination of a short assured tenancy, and had not lodged any representations with the Tribunal, nor attended at the CMD and that the order should be granted.

Statement of Reasons

5. In terms of Section 33 of the Housing (Scotland) Act 1988, the Tribunal shall make an order for possession of the house let on the tenancy if:
 - (a) the short assured tenancy has reached its ish;
 - (b) tacit relocation is not operating;
 - (c) no further contractual tenancy (whether a short assured tenancy or not) is for the time being in existence; and
 - (d) the landlord has given to the tenant notice stating that he requires possession of the house.
6. All of the above criteria have been satisfied in this Application, and accordingly the Tribunal shall make an order for possession.

Decision

7. In the circumstances, the Tribunal makes an order for possession of the Property as sought in this Application.

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.

G McWilliams

18th December 2019

Legal Member

Date