

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/18/1755

Re: Property at Flat Ground 2, 3 Cordiner Street, Glasgow, G44 4TY (“the Property”)

Parties:

Mr Gurworld Singh, 6 Eastwood Avenue, Giffnock, Glasgow, G46 6LR (“the Applicant”)

Mr Marek Siatka, Flat Ground 2, 3 Cordiner Street, Glasgow, G44 4TY (“the Respondent”)

Tribunal Members:

Alan Strain (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the order for eviction and possession be granted.

Background

This is an application for recovery of possession under section 33 of the Act and Rule 66 of the Procedure Rules.

The Tribunal had the following documents before it:

1. Tenancy Agreement;
2. AT5;
3. AT6;
4. Certificate of Service of Notice to Quit and AT6 by Sheriff Officers;
5. Notice to Quit; and
6. Section 11 Notice.

Case Management Discussion (CMD)

The case called for a CMD on 5 December 2018. Notification of the CMD had been made by Sheriff Officers on the Respondent and by Recorded Delivery on the Applicant. The Tribunal had regard to the Sheriff Officer's Certificate of Service dated 16 November 2018 upon the Respondent. The Notification advised the Respondent that the matter could be dealt with in his absence if the Tribunal were satisfied that it had sufficient information and that it was fair to do so.

The Applicant appeared and was represented. The Applicant sought the eviction order applied for.

Reasons

The Tribunal considered the matter carefully, had regard to the overriding objective and the interest of justice. The Tribunal were satisfied that a short assured tenancy had been created and validly terminated. The Tribunal did not therefore have any discretion other than to grant the Order sought. The Respondent had been notified of the CMD and had not appeared.

The Tribunal granted the Order.

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.

Alan Strain

Legal Member/Chair

5 December 2018
Date