



**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/18/0100

Re: Property at 128 Ingram Street, Flat 4/3, Glasgow, G1 1EJ (“the Property”)

Parties:

Mr Lawrence Dagleish, 49a Bath Street, Glasgow, G2 2DL (“the Applicant”)

**Mr Paul Reilly, 128 Ingram Street, Flat 4/3, Glasgow, G1 1EJ (“the
Respondent”)**

Tribunal Members:

Alison Kelly (Legal Member)

The Applicant was represented by Johanna Crowther of Gilson Gray, Solicitors. The Respondent was not present and was not represented.

Background

The Applicant lodged an application under Rule 66 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017.

The Applicant had lodged the following documents in support of the application:

1. Form AT5
2. Tenancy Agreement
3. Letter to the Respondent dated 6th October 2017
4. Notice To Quit
5. Section 33 Notice
6. Sheriff Officer Execution of Service

Case Management Discussion

In the absence of the Respondent the Applicant’s representative moved that the order for eviction was granted. She stated that the lease was for a period from 10th June 2016 until 10th June 2017, and thereafter on a monthly basis. The service of the

notices on 9th October 2017 brought the tenancy to an end as at 10th December 2017, and tacit relocation was no longer operating.

Findings In Fact

The Tribunal found that the notices had been served correctly and the tenancy had been brought to an end.

Reasons for Decision

The correct procedures had been followed and the Applicant was entitled to the order.

The Applicant's representative moved for expenses on the basis that the Respondent had, through unreasonable behaviour in the conduct of the case, put the Applicant to unreasonable expense. She said that expense had been caused by the Respondent not vacating when the tenancy was brought to an end. He had, in his emails, referred to documents which he had failed to provide. He told the Applicant he would vacate and a locksmith had been booked and then cancelled. The Tribunal did not think that these reasons were sufficient to satisfy the provisions of Rule 40, and refused the motion.

Decision in absence of the Respondent

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

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.

A Kelly

Legal Member/Chair



Date

11/6/18