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/18/1156

Re: Property at 11 Shaw Drive, Hamilton, ML3 9GE ("the Property")

Parties:

Haig Housing Trust, Alban Dobson House, Green Lane, Morden, SM4 5NS ("the Applicant")

Mr Mark Simpson, 11 Shaw Drive, Hamilton, ML3 9GE ("the Respondent")

Tribunal Member:

George Clark (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that the application should be decided without a hearing and that the application for recovery of possession should be granted.

Reasons for the Decision

By application, received by the Tribunal on 14 May 2018, the Applicant sought an Order for possession of the Property.

The application was accompanied by a copy of a Short Assured Tenancy Agreement in respect of the Property, the tenancy commencing on 17 December 2016 and terminating on 16 June 2017 and, if not brought to an end on that date by either party, continuing on a monthly basis until terminated by either party giving not less than two months' written notice to the other party.

The application was also accompanied by a copy of the AT5 Notice, dated 12 December 2016, given to the Respondent prior to the creation of the tenancy, and by copies of a Notice to Quit and of a Notice given under Section 33 of the Housing (Scotland) Act 1988 ("the 1988 Act"), both Notices being dated 13 July 2017, requiring the Respondent to remove from the Property on 16 September 2017.

By letter dated 29 June 2018, the Parties were advised that the Tribunal would hold a Case Management Discussion on 6 August 2018 and the Respondent was invited to make written representations in response to the application by 23 July 2018.

The Respondent did not make any written representations to the Tribunal.

The Case Management Discussion was held at Glasgow Tribunals Centre on the morning of 6 August 2018. The Applicant was represented by Nicola Caldwell of T C Young, solicitors, 7 West George Street, Glasgow. The Respondent was neither present nor represented at the Case Management Discussion.

The Applicant's representative asked the Tribunal to exercise its right to make a decision on the application without a hearing and to make the Order for possession sought in the application.

Rule 17(4) of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 states that "The First-tier Tribunal may do anything at a case management discussion which it may do at a hearing, including making a decision".

The Tribunal was satisfied that it had before it all the information that it required in order to make a decision and that, as the Respondent had not made any written representations and was not present or represented, it was able to decide the application without a hearing.

Having seen copies of the Form AT5, the Notice to Quit and the Notice given under Section 33 of the 1988 Act, the Tribunal was satisfied that the tenancy was a Short Assured Tenancy, that it had reached its ish, that tacit relocation was not operating, that no further contractual tenancy was operating and that the Applicant had given to the Respondent notice stating that the Applicant required possession of the Property. Accordingly, the Tribunal held that the requirements of Section 33 of the 1988 Act had been met and that the Tribunal was required to grant the application and to make an Order for 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.

George Clark

Legal Member/Chair

6 August 2018

Date