

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/18/1364

Re: Property at 10E South Veralius Street, Glasgow, G32 7XP (“the Property”)

Parties:

Mr Alan Stephen, 40 Tantallon Road, Flat 1/2, Glasgow, G41 3BX (“the Applicant”)

Miss Letitia Brown, 10E South Veralius Street, Glasgow, G32 7XP (“the Respondent”)

Tribunal Members:

Virgil Crawford (Legal Member)

Decision (in absence of the Respondent)

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

BACKGROUND

1. By lease dated 16th August 2017 the Applicant let the Property to the Respondent. The period of let was 16th August 2017 until 17th February 2018;
2. The lease was a short assured tenancy and a notice in terms of section 32 of the Housing (Scotland) Act 1988 (the 1988 Act”) had been served on the Respondent;
3. A Notice to Quit and a notice in terms of section 33 of the 1988 Act, both dated 7th November 2017 had been served upon the Respondent by Sheriff Officers on 8th November 2017. Vacant possession was sought as at 17th February 2018;
4. A notice in terms of section 11 of the Homelessness (Scotland) Act 2003 had been intimated to the local authority.

THE CASE MANAGEMENT DISCUSSION

5. The Applicant did not attend the Case Management Discussion. He was, however, represented by Miss Kerr, solicitor;

6. The Respondent did not attend the Case Management Discussion. The Tribunal being satisfied in terms of Rule 24 of The First Tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 that the Respondent had been given due notice of the Case Management Discussion, proceeded, in terms of Rule 29, in the absence of the Respondent;
7. Miss Kerr, on behalf of the Applicant, having regard to the fact that a notice to quit and a notice in terms of section 33 of the 1988 Act had been lawfully served, and that the specified notice had been intimated to the local authority, moved the Tribunal to grant an order evicting the Respondent from the Property;

FINDINGS IN FACT

8. The Tribunal made the following findings in fact:-
 - i. By lease dated 16th August 2017 the Applicant let the Property to the Respondent. The period of let was 16th August 2017 until 17th February 2018;
 - ii. The lease was a short assured tenancy and a notice in terms of section 32 of the Housing (Scotland) Act 1988 (the 1988 Act") had been served on the Respondent;
 - iii. A Notice to Quit and a notice in terms of section 33 of the 1988 Act, both dated 7th November 2017 had been served upon the Respondent by Sheriff Officers on 8th November 2017. Vacant possession was sought as at 17th February 2018;
 - iv. A notice in terms of section 11 of the Homelessness (Scotland) Act 2003 had been intimated to the local authority.

REASONS FOR DECISION

9. The statutory requirement to terminate the tenancy having been complied with by the Applicant, the Tribunal required to grant the order sought;

DECISION

The Tribunal granted an order that the Respondent be evicted from 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.

Virgil Crawford

17 August 2018

Legal Member/Chair

Date