



**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/20/0834

Re: Property at 81 Commonhead Road, Glasgow, G34 0DS (“the Property”)

Parties:

**Mrs Angela Benson, Mrs Linda Cox, C/O Smart Move Estate Agents (Scotland)
Ltd, Ladywell Business Centre, 94 Duke Street, Glasgow, G4 0UW (“the
Applicant”)**

**Miss Yvonne McPherson, 81 Commonhead Road, Glasgow, G34 0DS (“the
Respondent”)**

Tribunal Members:

Karen Kirk (Legal Member)

This Hearing was a Case Management Discussion fixed in terms of Rule 17 of the Procedure Rules and concerned an Application for Recovery of Possession on termination of a Short Assured Tenancy under Section 33 of the Housing (Scotland) Act 1988. The purpose of the Hearing being to explore how the parties dispute may be efficiently resolved. The purpose of the hearing was explained to parties. Parties understood a final decision on the Application could also be made.

Attendance and Representation

The Applicant was represented by George Reynolds, Smart Move Estate Agents, Ladywell Business Centre, 94 Duke Street, Glasgow G4 0UW.

The Respondent did not attend the Tribunal and was not represented.

Preliminary Matters

There were no preliminary matters arising.

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted an order against the Respondent for possession of the Property under section 33 of the Housing (Scotland) Act 1988.

Case Management Discussion

Mr Reynolds for the Applicants in his submission sought an Order for recovery of possession. The parties had entered into a Short Assured tenancy on 1st September 2009. The tenancy was a valid Short Assured Tenancy and that the Respondent had received a Notice to Quit by recorded delivery post bringing the said tenancy to an end on the ish date, namely the 1st March 2020. Service of the Notice to Quit had been noted and an AT5 for Tenancy had been lodged and confirmed that the tenancy was a Short Assured Tenancy. The Applicant confirmed the Respondent had notified that she had sought advice from Legal Services Agency and so emails had to be forward the Respondent’s solicitor. Mr Reynolds confirmed that all emails since that date had been forwarded to the Legal Services Agency. He said the Respondent had not engaged and that at a visit at the weekend to the property it had appeared she had left and neighbours said 10 days ago they ahd seen a van remove belongings. Mr Reynolds said he had not received any notice about that and still sought recovery of possession. There was no rent arrears he said. The Respondent had been served intimation of the hearing by sheriff officer and had not lodged any written representations.

Reasons for Decision

- 1. The Tribunal was satisfied that a decision could be made at the Case Management Discussion and that to do so would not be contrary to the interests of the parties having regard to the Overriding objective. The Respondent was not present at the hearing but had been intimated upon, appeared to have received legal advice and no written representations had been received.**
- 2. The Tribunal was satisfied that the tenancy was in terms of Section 32(1) of the 1988 Act, a Short Assured Tenancy for not less than 6 months and in relation to which a prescribed notice namely a valid AT5 had been served before creation of the short assured tenancy. .**
- 3. In terms of Section 33 of the 1988 Act the Tribunal considered that the Short Assured Tenancy had reached its ish.**
- 4. Further the Tribunal was satisfied that no tacit relocation was operating, no further contractual tenancy was in existence and a vaild Notice to Quit had been served on the Respondent terminating the tenancy with the necessary notice given to the Respondent.**

5. Accordingly in terms of Section 33 of the 1988 Act the Tribunal granted an order against the Respondent 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.

Karen Kirk

Legal Member/Chair

17.08.2020

Date