



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 33 Housing (Scotland) Act
1988 (“ the Act”)**

Chamber Ref: FTS/HPC/EV/18/1735

Re: Property at 6 Ardargie Grove, Glasgow, G32 8NZ (“the Property”)

Parties:

**Mr Balraj Singh Dhama, c/o Regent Property, 234 West Regent Street, Glasgow,
G2 4DQ (“the Applicant”)**

Miss Asha Devine, 6 Ardargie Grove, Glasgow, G32 8NZ (“the Respondent”)

Tribunal Members:

Josephine Bonnar (Legal Member)

Decision (in absence of the Respondent)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that an order for recovery of possession of the property
should be granted in favour of the Applicant.**

Background

- 1. An application was received on 10 July 2018 in terms of Rule 66 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“ the 2017 Regulations”). The Applicant seeks recovery of possession of the property in terms of Section 33 of the Act.**
- 2. The following documents were lodged with the application: - copy tenancy agreement, AT5 Notice, Notice to Quit and Section 33 Notice together with Sheriff Officer certificate of service, Section 11 Notice in terms of the Homelessness etc (Scotland) Act 2003 and copy email to the Local Authority and a mandate from Surjit Dhama, joint owner of the property, authorising the Applicant to act on his behalf in connection with the property.**
- 3. A copy of the application together with supporting documentation and a letter notifying the Respondent of the case management discussion (CMD) were**

served on the Respondent by Sheriff Officer on 30 August 2018.

4. The case called before the Legal member for a CMD on 14 September 2018 at 10am. The Applicant was represented by Ms Kirsty Morrison. There was no appearance by or on behalf of the Respondent.

Case Management Discussion

5. The Legal Member noted that the Respondent has been served with a copy of the application and supporting documents and been made aware of the CMD. No written representations have been received from her in advance of the CMD. Ms Morrison advised the Legal Member that neither the Applicant nor his representatives have had any contact from the Respondent and confirmed that she is still in occupation for the property. Ms Morrison confirmed that the Applicant seeks an order for recovery of possession of the property.
6. The Legal Member proceeded to consider the application and supporting documentation.

Findings in fact

7. The Applicant is the joint owner of the property. The other owner, Surjit Dhama, has authorised the Applicant to act on her behalf in all matters relating to the lease of the property by mandate dated 2 July 2018
8. By agreement dated 19 November 2016 the Applicant entered into a short assured tenancy agreement with the Respondent for an initial period of 6 months and one day to 20 May 2017 and monthly thereafter until terminated. An AT5 Notice in terms of the Act, in the correct format, was issued to and signed by the Respondent.
9. A Notice to Quit containing the prescribed information and a valid Notice in terms of Section 33 of the Act were served on the Respondent by Sheriff Officer on 10 April 2018. These notices state that the Applicant requires possession of the property on 20 June 2018.

Reasons for Decision

10. Section 33 of the Act requires the Tribunal to grant an order for possession of a property under a short assured tenancy where the tenancy has reached its end, tacit relocation is not operating, no further contractual tenancy is in existence and the landlord has given notice to the tenant that they require possession of the property.
11. The Legal Member is satisfied that all of these requirements have been met by the Applicant.
12. The Legal Member is therefore satisfied that the requirements of section 33 of the Act having been met, an order for recovery of possession should be granted in favour of the Applicant.

Decision

13.The Tribunal grants an order in favour of the Applicant against the Respondent for recovery of 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.

Josephine Bonnar

Josephine Bonnar, Legal Member/Chair

14 September 2018