

Housing and Property Chamber
First-tier Tribunal for Scotland



Decision 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/18/2434

Re: Property at 22 Linthouse Drive, Linthouse, Glasgow, G51 4RZ (“the Property”)

Parties:

Home Group Limited, 2 Gosforth Park Way, Gosforth Business Park, Newcastle Upon Tyne, NE12 8ET (“the Applicant”)

Mr John McLeod, Mrs Emma Martin, 22 Linthouse Drive, Linthouse, Glasgow, G51 4RZ (“the Respondent”)

Tribunal Members:

Alison Kelly (Legal Member)

Decision (in absence of the Respondent)

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

Background

An application was lodged on 18th September 2018 by the Applicant seeking eviction of the Respondents from the property.

Along with the Application the Applicant lodged inter alia:

1. Copy Tenancy Agreement
2. Copy AT5
3. Copy Notice To Quit
4. Copy section 33 Notice
5. Copy Sheriff Officer’s Execution of Service of items 3 and 4
6. Section 11 Notice

Case Management Discussion

The Applicant was represented at the CMD by Kirsty Morrison of TC Young, Solicitors. The Respondents did not appear and were not represented. Miss Morrison submitted to the Tribunal that the notices were correct and had been properly served, and on that basis the tenancy had reached its end, tacit relocation was not operating and no further contractual tenancy was in existence. She moved for the order for possession to be granted.

Findings in Fact

1. The parties entered into a lease of the property at 22 Linthouse Drive, Linthouse, Glasgow G51 4RZ.
2. The initial term of the lease was from 11/5/16 to 12/11/16, and thereafter on a monthly basis.
3. An AT5 had been properly signed, making the tenancy a Short Assured tenancy.
4. Notice to Quit and section 33 Notice had been served timeously and to the correct end date.
5. The tenancy had reached its end, tacit relocation was not operating and no further contractual tenancy was in existence.

Reasons for Decision

The Findings In Fact led the Tribunal to conclude that the statutory framework for bringing the tenancy to an end had been followed.

Decision

The order sought, for possession of the property, was 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.

Since an appeal is only able to be made on a point of law, a party who intends to appeal the tribunal's decision may wish to request a Statement of Reasons for the decision to enable them to identify the point of law on which they wish to appeal. A party may make a request of the First-tier Tribunal for Scotland (Housing and Property Chamber) to provide written reasons for their decision within 14 days of the date of issue of this decision.

Where a Statement of Reasons is provided by the tribunal after such a request, the 30 day period for receipt of an application for permission to appeal begins on the date the Statement of Reasons is sent to them.

Alison Kelly

Legal Member/Chair

12/11/18
Date