

**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 18(1) of the Housing  
(Scotland) Act 1988**

**Chamber Ref: FTS/HPC/EV/19/2556**

**Re: Property at 33 Johnston Avenue, Cornton, Stirling, FK9 5DD (“the Property”)**

**Parties:**

**Mr Manjinder Singh Sandhu, The Laurels, Abercromby Drive, Bridge of Allan,  
FK9 4EA (“the Applicant”)**

**Ms Alexis Williams, 33 Johnston Avenue, Cornton, Stirling, FK9 5DD (“the  
Respondent”)**

**Tribunal Members:**

**Graham Harding (Legal Member)**

**Decision (in absence of the Respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the  
Tribunal”) determined that the Applicant was entitled to an order for the  
possession of the property and the ejection of the Respondent from the  
property.**

**Background**

1. By application dated 14 August 2019 and amended on 14 October 2019 the Applicant’s representative Mailers, Solicitors, Stirling applied to the Tribunal for an order for the possession of the property and the ejection of the Respondent from the property in terms of Section 33 of the Housing (Scotland) Act 1988 (“the 1988 Act”). The application was supported by a copy of the tenancy agreement, Form AT5, acknowledgement of receipt of form AT5, Section 33 Notice and Notice to Quit with Certificate of Service and Statement of Rent Arrears.
2. By Notice of Acceptance dated 28 October 2019 a legal member of the Tribunal with delegated powers accepted the application and a Case Management Discussion was assigned.

3. Intimation of the Case Management Discussion was given to the Applicant's representative by post on 14 November 2019 and to the Respondent by Sheriff Officers on 15 November 2019.

#### **The Case Management Discussion**

4. The Applicant did not attend the Case Management Discussion ("CMD") but was represented by Mr Anderson of Mailers, Solicitors, Stirling. The Respondent did not attend and was not represented. The Tribunal being satisfied that the Respondent had been given proper intimation of the CMD determined to proceed in her absence in accordance with Rule 29 of the First-tier Tribunal Housing and Property Chamber (Procedure) Regulations 2017 ("the 2017 Rules").

5. For the Applicant Mr Anderson confirmed that the parties had entered into a Short Assured Tenancy Agreement that had commenced on 7 August 2006 and had endured for a period of two years until 6 August 2008 and had then continued from year to year thereafter by tacit relocation. The rent he said had remained at £570.00 per month throughout the tenancy.

6. Mr Anderson referred the Tribunal to the Form AT5 and the acknowledgement signed by the Respondent confirming it had been received prior to the commencement of the tenancy.

7. Mr Anderson confirmed he had arranged for a Notice to Quit and a Section 33 Notice both dated 30 May 2019 to be served on the Respondent by Sheriff Officers on 4 June 2019 and referred the Tribunal to the documents and confirmed that the Respondent had been given two months' notice to quit on the ish date of 6 August 2019.

8. Mr Anderson confirmed to the Tribunal that a Section 11 Notice had been sent to Stirling Council on 14 August 2019. He also confirmed that the Respondent had failed to pay any rent since July 2017 and that Stirling council had complained to his client about the condition of the garden of the property as rubbish was being left in it by the Respondent.

9. Mr Anderson asked the Tribunal to grant the order sought on the grounds that the requirements of Section 33 of the 1988 Act had been met and the Respondent continued to reside in the property.

#### **Findings in Fact**

10. The parties entered into a Short Assured Tenancy Agreement that commenced on 7 August 2006 and endured until 6 August 2008 and continued thereafter from year to year at a monthly rent of £570.00.

11. The Respondent was served with a Notice to Quit and Section 33 Notice by Sheriff Officers on 30 May 2019.

12. The tenancy reached its ish on 6 August 2019.

13. The Applicant's representative gave notice of the proceedings to Stirling Council on 14 August 2019.

14. The Respondent has continued to reside in the property following the tenancy reaching its ish.

### **Reasons for Decision**

15. The Tribunal was satisfied from the documents produced and the oral submissions of the Applicant's representative that the parties had entered into a Short Assured Tenancy Agreement that commenced on 7 August 2006 and endured until 6 August 2008 and then continued thereafter by tacit relocation until 6 August each succeeding year.

16. The Tribunal was satisfied that the Notice to Quit and Section 33 Notice served on the Respondent by Sheriff Officers on 30 May 2019 were in proper form and gave the Respondent the required two months' notice of the termination of the tenancy on its ish of 6 August 2019.

11. The Tribunal was satisfied that proper notice of the proceedings had been given to Stirling Council.

12 As it appeared to the Tribunal that there was a Short Assured Tenancy and the Respondent had been given proper notice of its termination the Tribunal found that the Applicant was entitled to he order sought.

### **Decision**

**13. the Tribunal finds the Applicant entitled to an order for the possession of the property and the ejection of the Respondent 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**

