



**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/18/2745

**Re: Property at 12 Livingstone Drive, The Murray, East Kilbride, G75 0HB (“the
Property”)**

Parties:

**Franchville Investments Ltd, c/o The Property Bureau, Melville House, 70
Drymen Road, Bearsden, G61 2RH (“the Applicant”)**

**Mr Christopher Docherty, 12 Livingstone Drive, The Murray, East Kilbride, G75
0HB (“the Respondent”)**

Tribunal Members:

Nairn Young (Legal Member)

Decision (in absence of the Respondent)

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

- Background

This is an application for an order for possession of the Property. It called for a case management discussion at 11:30am on 28 January 2019. The Applicant was represented by Mr Buchanan of Buchanan Burton Solicitors. The Respondent was not present or represented.

- Findings in Fact

The following facts were not disputed by the Respondent:

1. The Applicant let the Property to the Respondent in terms of a short assured tenancy, commencing 16 March 2017 (‘the tenancy’).

2. The tenancy was brought to an end on 16 April 2018 by a notice to quit served by the Applicant on 15 February 2018. The Respondent has continued to occupy the Property since then in terms of a statutory assured tenancy.
 3. At the same time as serving the notice to quit, the Applicant served a notice in terms of s.33(1)(d) of the Housing (Scotland) Act 1988 ('the Act'), stating that it required possession of the Property on 16 April 2018.
- Reasons for Decision
4. The tenancy has reached its end, tacit relocation is not operating, no further contractual tenancy is in existence and the relevant notice under s.33(1)(d) has been served. An order for possession of the Property should therefore be granted in terms of s.33 of the Act.
- Decision

Order for possession 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.

N Young

Legal Member/Chair

28 JANUARY 2019

Date