



**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/18/3075**

**Re: Property at 32 Scotia Crescent, Larkhall, ML9 1HT (“the Property”)**

**Parties:**

**Mr James Duffy, Mrs Matilda Duffy, 132 St Bridges Way, Bothwell, G71 8QE  
 (“the Applicants”)**

**Mr William Yuill, Ms Stephanie McGraw, 32 Scotia Crescent, Larkhall, ML9 1HT  
 (“the Respondents”)**

**Tribunal Members:**

**Mary-Claire Kelly (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the  
Tribunal”) determined to grant an order for recovery of possession of the  
property under section 33 of the Housing (Scotland) Act 1988.**

**Background**

1. By application under rule 66 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 the applicants sought an order for repossession on the grounds of section 33 of the Housing (Scotland) Act 1988.
2. The application was received on 14<sup>th</sup> November 2018. The applicants lodged with their application a copy Short Assured Tenancy Agreement between the parties dated 10<sup>th</sup> September 2014, copy form AT5 dated 10<sup>th</sup> September 2014, Section 33 notice and Notice to quit dated 31<sup>st</sup> August 2018 together with proof of service.
3. A Case Management Discussion (“CMD”) took place on 21<sup>st</sup> January 2019. The applicants were represented by Jacqueline Duggan from Let Link Property Management Services. The respondents did not attend. The tribunal

were satisfied that proper notice had been given to the respondents in terms of rule 24.1 of the rules of procedure. The tribunal proceeded with the CMD in the absence of the respondents in terms of rule 29.

#### **Findings in Fact**

4. The tenancy agreement had an initial term from 10<sup>th</sup> September 2014 to 11<sup>th</sup> March 2015. Thereafter the agreement continued on a monthly basis. Accordingly the ish date of the tenancy was the 11<sup>th</sup> of any given month.
5. A valid AT5 was produced. The tenancy agreement was a Short Assured Tenancy.
6. The Notice to Quit was dated 31<sup>st</sup> August and specified that the respondents required to leave the property on 11<sup>th</sup> November 2018 which was an ish date.
7. The section 33 notice served on the respondents provided 2 months' notice and specified that the respondents required to remove from the property on 11<sup>th</sup> November 2018.
8. The notice to quit and section 33 notice were properly served on the respondents.
9. The applicants have complied with the requirements of section 33 of the Housing (Scotland) Act 1988.

#### **Reasons for decision**

10. The applicants having complied with the terms of section 33 of the Housing (Scotland) Act 1988 the tribunal must grant the order for recovery of possession as sought.

#### **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.**

MC Kelly

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Legal Member/Chair

21<sup>st</sup> January 2019  
\_\_\_\_\_  
Date