

**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 33 of the Housing (Scotland)  
Act 1988**

**Chamber Ref: FTS/HPC/EV/19/1144**

**Re: Property at 29 Wallacebrae Road, Danestone, Aberdeen, AB22 8YZ (“the  
Property”)**

**Parties:**

**Mr Vincent Tocher, Mrs Susan Tocher, 2 Corse Grove, Bridge of Don,  
Aberdeen, AB23 8LR (“the Applicant”)**

**Mr Majid Yazdani-Khonakdari, Mrs Samera Kaveity, 29 Wallacebrae Road,  
Danestone, Aberdeen, AB22 8YZ (“the Respondent”)**

**Tribunal Members:**

**Alan Strain (Legal Member)**

**Decision**

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

**Background**

This is an application in terms of section 33(1)(d) of the Act for eviction/recovery of possession following termination of a Short Assured Tenancy (SAT) under Rule 66 of the Tribunal Procedure Rules.

The Tribunal had regard to the following documents;

1. Application;
2. SAT;
3. AT5;
4. Notice to Quit;
5. Section 33 Notice;
6. Section 11 Notice;
7. Proof of posting and receipt.

Alan Strain

### **Case Management Discussion (CMD)**

The case called for a CMD on 10 June 2019. The Applicant was represented. The Second Respondent was present and explained the First respondent no longer lived in the Property.

As the Tribunal granted the related application for eviction FTS/HPC/EV/0798 the Tribunal dismissed this application as unnecessary.

### **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.**

Alan Strain

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**Legal Member/Chair**

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**Date**

*10 June 2019*