



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 18 of the Housing (Scotland)
Act 1988**

Chamber Ref: FTS/HPC/EV/19/1263

Re: Property at 54 Coniston Terrace, Dundee, DD3 0AH (“the Property”)

Parties:

Mr Robert Paul Allan, Bank House, Stirling Street, Dundee, DD3 6PJ (“the Applicant”)

Ms Shannen Gowans, 54 Coniston Terrace, Dundee, DD3 0AH (“the Respondent”)

Tribunal Members:

Gabrielle Miller (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 recovery and possession should be granted in favour of the Applicant

Background

1. This is an application in terms of Rule 66 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”). The Applicant is seeking an order for recovery of possession in terms of section 33 of the Act.
2. The parties entered into a Short Assured Tenancy between 24th July 2014 and 24th January 2015 which continued on a monthly basis thereafter. The rent payments of £450 per month were due on the 24th day of each month in advance.
3. The Tribunal had before it the following documents:
 - a. Application dated 25th April 2019 received by the Housing and Property Chamber on 26th April 2019.

- b. Short Assured Tenancy Agreement signed 24th July 2014.
 - c. Form AT5 signed by the parties on 24th July 2014.
 - d. Notice to Quit dated 15th February 2019.
 - e. Section 33 Notice dated 15th February 2019 requiring vacant possession as at 24th April 2019.
 - f. Sheriff Officers Execution of Service pertaining to service of the section 33 notice and Notice to Quite which was served on the Respondent on 18th February 2019 by letterbox delivery.
 - g. Title deeds with reference ANG 54719.
 - h. Section 11 Notice noting date of raising proceedings 24th April 2019.
4. A Notice of Acceptance of Application was signed on 21st May 2019 by a Legal Member for the Housing and Property Chamber.
 5. On 30th May 2019, all parties were written to with the date for the Case Management Discussion ("CMD") of 3rd July 2019 at 2pm at Caledonia House, Greenmarket, Dundee. The letter also requested all written representations be submitted by 22nd June 2019. Neither party submitted responses.
 6. On 31st May 2019, sheriff officers served the letter with notice of the hearing date and documentation upon the Respondent by letterbox service and first class post. This was evidenced by Certificate of Citation dated 31st May 2019.

Case Management Discussion

7. The Tribunal held a Case Management Discussion ("CMD") on 3rd July 2019 at Caledonia House, Greenmarket, Dundee. The Applicant was not present but was represented by Mr Alec Campbell from Lara Letting Ltd. The Respondent was not present. The Tribunal proceeded in terms of Rule 29 of the Rules. The Tribunal considered the Application. The Respondent was written to asking for any representations to be sent to the Housing and Property Chamber no later than 22nd June 2019. No representations were submitted.

Findings in Fact

8. The parties entered into a Short Assured Tenancy on 24th July 2014 with the commencement of the tenancy on 24th July 2014 for a 6 months period until 24th January 2015 then continued thereafter on a month to month basis. An AT5 was signed by both parties on the same date as the lease. The rent payments of £450 are due on the 24th day of each month.
9. The Housing and Property Chamber received an Application on 26th April 2019.

Reasons for Decision

10. The Tribunal was satisfied that there were no other issues of reasonableness before them and that the notices had been served in an appropriate manner and that a Short Assured Tenancy had been entered into by the parties. Given this the Tribunal was satisfied all appropriate paperwork had been served the Order for repossession was granted.

Decision

11. The Applicant is entitled to for an Order of for recovery of possession.

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.



Legal Member/Chair

3 JULY 19

Date