

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/19/1446

Re: Property at 30 (1f1) Albion Road, Edinburgh, EH7 5QW (“the Property”)

Parties:

Mrs Maria Khan, 45 Wakefield Avenue, Edinburgh, EH7 6TN (“the Applicant”)

Mr Massimiliano Barone, 30 (1f1) Albion Road, Edinburgh, EH7 5QW (“the  
Respondent”)

Tribunal Members:

Mark Thorley (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the  
Tribunal”) determined that an order of eviction be granted.

#### BACKGROUND

The applicant applied to the First-tier Tribunal under Rule 66 by application dated 10 May 2019. The application was accompanied by a copy of the tenancy agreement dated 1 August 2017, 5 days from 25 July 2017, Section 33 Notice dated 11 January 2019, Notice to Quit dated 11 January 2019 and Sheriff Officer’s execution of service dated 16 January 2019 and Notice to Local Authority dated 10 May 2019.

A Case Management Discussion took place on 9 July 2019. Intimation of that Hearing was made by Sheriff Officer.

At the Case Management Hearing on the 9 July the Hearing was adjourned.

A Notice of Direction had been issued from the previous Case Management Hearing requiring the applicant to provide copies of any Legal authorities relied upon to support the position that 30 April 2019 was a valid ish date.

At the Case Management Hearing on the 9 of July the respondent had not appeared nor was the respondent represented.

#### CASE MANAGEMENT HEARING

At the Case Management Hearing Ms Ridley Solicitor appeared on behalf of the applicant. Authorities had been led and intimated in advance. Again there was no appearance by or for the respondent.

#### FINDINGS IN FACT

1. The tenancy agreement existed between the parties which was dated 29 July 2017 and 1 August 2017.
2. In terms of the tenancy agreement the tenancy was to continue on two monthly basis until terminated by the party giving two months notice to either party.
3. Notice was given by the applicant's solicitor to the respondent on 11 January 2019 requiring possession of the property on 30 April 2019.
4. A Sheriff Officer's certificate of intimation of a Notice to Quit was made by Sheriff Officer on 16 January 2019.
5. The Notice to Quit sought to terminate the contractual tenancy on 30 April 2019. This was the ish date being the last day of the month.
6. The paper work produced by the respondent was in order.
- 7, The Order for eviction was granted.

Mark Thorley

**REASONS FOR DECISION**

There is no appearance by or for the respondent. The respondent had not lodged any written Answers.

The paper work was in order. The tribunal was prepared to accept the interpretation of the tenancy agreement in accordance with the applicant's position.

Accordingly an Order for eviction was 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.

Mark Thorley

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Legal Member/Chair

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Date

28 August 2019