



**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/19/1463

**Re: Property at 20 Blantyre Terrace, Edinburgh, Edinburgh, EH10 5AE (“the
Property”)**

Parties:

**Thomas Campbell MacLennan as Trustee on the Sequestrated Estate of
Shabbir Hussain, C/O FRP Advisory LLP, Apex 3, 5 Haymarket Terrace,
Edinburgh, EH12 5HD (“the Applicant”)**

**Mr Douglas Stenhouse, 20 Blantyre Terrace, Edinburgh, Edinburgh, EH10 5AE
 (“the Respondent”)**

Tribunal Members:

Richard Mill (Legal Member)

Decision (in absence of the Respondent)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that an Order for repossession of the Property under
section 33 of the Housing (Scotland) Act be granted.**

Hearing

**The landlord was represented by Mr Patrick Barnett of Messrs Addleshaw
Goddard LLP. There was no appearance by or on behalf the tenant. The date of
the case management discussion was intimated to the tenant by Sheriff
Officers on 25 July 2019.**

Findings in Fact

- 1. The tenant entered into a short assured tenancy with Mr Shabbir
Hussain, the former landlord, in respect of the property at 20 Blantyre
Terrace Edinburgh EH10 5AE commencing on 1 April 1998. Extension**

leases were also issued thereafter, the most recent commencing on 6 April 2015.

2. Mr Shabbir Hussain is sequestrated. The current landlord, his Trustee in sequestration, assumed title to the property following proceedings in the Sheriff Court in Edinburgh raised under reference EDI-SQ325-14.
3. The tenant was served with the required legal Notices in advance of the tenancy commencing to allow for the property to be repossessed on the basis of a short assured tenancy.
4. The tenant has been served with more than one Notice to Quit since 2017. There has been delay in progressing an eviction due to general complexities in the administration of the sequestrated estate which are not of relevance to this action.
5. The most recent Notice to Quit and section 33 Notice was served on the tenant in August 2018. The tenancy was brought to an end.
6. The tenant remained in the property despite the tenancy being brought to an end.
7. The landlord is entitled to repossession of the Property.

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.

R.Mill

Legal Member/Chair

3 September 2019
Date