

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/18/2321

Re: Property at 50 Elliott Street, Dunfermline, Fife, KY11 4TF (“the Property”)

Parties:

**Kingdom Initiatives Limited, Saltire Centre, Pentland Court, Glenrothes, KY6
2DA (“the Applicant”)**

**Mr Christopher Murray, 50 Elliott Street, Dunfermline, Fife, KY11 4TF (“the
Respondent”)**

Tribunal Members:

Andrew McLaughlin (Legal Member)

Decision (in absence of the Respondent)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that:**

**This Application called for a Case Management Discussion at 2pm on 28
January 2019 at Fife Voluntary Action, 16 East Fergus Place, Kirkcaldy KY1
1XT. The Applicant was represented by Mr Humphreys, Solicitor. There was no
appearance by or on behalf of the Respondent. The Application called
alongside a related Application for a Payment Order.**

**The Tribunal was also satisfied that intimation of this Case Management
Discussion had been made to the Respondent and he had been provided with
the requisite period of Notice.**

**Mr Humphreys invited the Tribunal to make an Eviction Order on the basis that
the terms of s33 of the Housing (Scotland) Act had been met. After considering
the Application and the documentation produced therewith, the Tribunal
considered that there was a valid short assured tenancy in existence between
the parties. The Applicant had then served a properly set out Notice to Quit**

and s33 Notice on the Respondent providing the requisite period of notice to the Respondent to vacate the Property. There was a Certificate of Execution of Service of these documents by Sheriff Officers lodged with the Application.

The Tribunal was also satisfied that the terms of s11 of the Homelessness (Etc) (Scotland) Act 2003 had been complied with.

Having considered the foregoing, the Tribunal concluded that the terms of s33 of the Housing (Scotland) Act 1988 had been met and therefore granted the Application and made an Eviction Order.

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.

Mr Andrew McLaughlin

Legal Member/Chair

28/1/19

Date