

**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 (Act)**

**Chamber Ref: FTS/HPC/EV/19/2398**

**Re: Property at 13B Main Street, Dundee, DD3 7EY (“the Property”)**

**Parties:**

**Mr Abdul Rashid, c/o Bank House, Stirling Street, Dundee, DD3 6PJ (“the Applicant”)**

**Ms Nicola Smith, 13B Main Street, Dundee, DD3 7EY (“the Respondent”)**

**Tribunal Members:**

**Alan Strain (Legal Member)**

**Decision (in absence of the Respondent)**

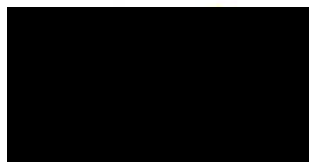
**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the order for eviction and recovery of possession be granted.**

**Background**

This is an application under section 33 of the Act and Rule 66 of the Tribunal Procedure Rules for recovery of possession and eviction following termination of a short assured tenancy (**SAT**).

The Tribunal had regard to the following documents:

1. Application received 29 July 2019;
2. AT5 dated 25 January 2017;
3. SAT dated 25 January 2017;
4. Section 33 Notice dated 12 March 2019;
5. Notice to Quit dated 12 March 2019;
6. Royal Mail Track and Trace for Section 33 Notice and Notice to Quit dated 13 and 15 March 2019;
7. Section 11 Notice to Local Authority dated 29 July 2019;



8. Sheriff Officer Certificate of Service of Tribunal Notification dated 30 September 2019.

**Case Management Discussion (CMD)**

The case called for a CMD on 31 October 2019. The Applicant was not present but was represented. The Respondent did not appear and was not represented.

The Tribunal was satisfied that the Respondent had been served with notification of the CMD by Sheriff Officers on 30 September 2019 and was aware that the Tribunal could proceed in her absence and reach a Decision if it was satisfied that it had sufficient information to do so and the procedure was fair.

The Tribunal considered the documentation and made the following findings in fact:

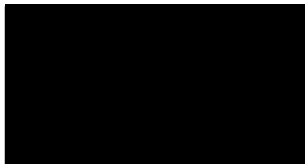
1. The Parties entered in to an SAT dated 25 January 2017;
2. The SAT had been validly terminated at its ish on 25 July 2019;
3. The SAT was no longer continuing by tacit relocation;
4. Section 11 Notification had been made to the local authority on 29 July 219;
5. The Respondent remained in occupation of the Property.

The Tribunal then considered the requirements of section 33 of the Act. The SAT had been validly terminated, tacit relocation was no longer operating and the local authority had been served with the section 11 notice. The Tribunal was satisfied that it had sufficient information to make a decision and the procedure had been fair.

The Tribunal granted the order for eviction and 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

31 October 2019

\_\_\_\_\_  
Date