



**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/19/3757

**Re: Property at First Floor Flat, 33 Carron Gardens, Stonehaven, AB39 2FE
("the Property")**

Parties:

**Mrs Clare Thomas, 30 Malcolms Mount, Stonehaven, AB39 2SR ("the
Applicant")**

**Mrs Sheena McKenzie, First Floor Flat, 33 Carron Gardens, Stonehaven, AB39
2FE ("the Respondent")**

Tribunal Members:

John McHugh (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 possession of the Property should be
made in favour of the Applicant.**

Background

The Applicant is the landlord and the Respondent the tenant in terms of a short assured tenancy of the Property dated 1 August 2017.

The Case Management Discussion

A Case Management Discussion took place at Aberdeen Sheriff Court on 30 January 2020. The Applicant was represented by Aaron Doran of Raeburn Christie Clark and Wallace solicitors. The Respondent was neither present nor represented.

Findings in Fact

The Applicant is the landlord and the Respondent the tenant in terms of a short assured tenancy agreement of the Property dated 1 August 2017.

The Applicant began occupying the Property from 1 August 2017. She remains in occupation.

In terms of the tenancy agreement rent was payable by the Respondent at the rate of £550 per month.

The Respondent has failed to pay the rent payments due from February 2019 until the date of the Application, being nine months' rent totalling £4950.

The tenancy agreement was for an initial period of six months and continued thereafter on a month to month basis with either party being entitled to give two months' notice to terminate the tenancy.

On 6 August 2019, Notice to Quit and a notice in terms of section 33 of the Housing (Scotland) Act 1988 dated 1 August 2019 were served upon the Respondent requiring her to quit the Property by 31 October 2019.

Reasons for Decision

The Tribunal is satisfied that the short assured tenancy has reached its end; that tacit relocation is not operating; that no further contractual tenancy exists; and that the Applicant has given notice to the Respondent stating that she requires possession of the Property. An Order therefore requires to be made in terms of section 33 of the Housing (Scotland) Act 1988.

Decision

An Order for possession of the Property will be made in favour of the Applicant.

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.

J. McHugh

John McHugh, Legal Member/Chair

30 January 2024

Date