

**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/19/1407

**Re: Property at 15 Granton Gardens, Granton, Edinburgh, EH5 1AX (“the
Property”)**

Parties:

**Gibbins Property Edinburgh Limited, 15 Atholl Crescent, Edinburgh, EH3 8HA
 (“the Applicant”)
(Represented by Ms Nicola Caldwell, TC Young, Solicitors, Glasgow**

**Mr Grant McArdle, 15 Granton Gardens, Granton, Edinburgh, EH5 1AX (“the
Respondent”)**

Tribunal Members:

Gillian Buchanan (Legal Member)

Decision (in absence of the Respondent)

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

Background

- The Applicant is in right of the landlord’s interest in the Property.
- The Respondent is the tenant of the Property in terms of a Short Assured Tenancy Agreement dated 23 June 2017.
- The initial term of the tenancy was agreed to be from 23 June 2017 to 23 December 2017.
- In terms of the tenancy it was agreed that on the expiry of the initial term the tenancy would continue on a month to month basis, being from the 24th day of December 2017 to 23 January 2018 and monthly thereafter, until terminated.
- On 8 February 2019 Sheriff Officers on behalf of the Applicant served the Respondent with a Notice to Quit and a Notice under Section 33 of the Housing (Scotland) Act 1988, both Notices being dated 6 February 2019 (“the Notices”).
- In terms of the Notices the Respondent was required to remove from the Property on or before 23 April 2019.
- The Respondent has had due intimation of this application, the papers having been served by Sheriff Officers on 31 May 2019.

The Case Management Discussion

- At the Case Management Discussion, Ms Caldwell representing the Applicant explained that the Respondent is understood still to be in occupation of the Property.
- On that basis the Applicant sought an order for recovery of possession of the Property.

Reasons for Decision

- There exists between the parties a Short Assured Tenancy.
- The tenancy has reached its ish.
- Tacit Relocation is not operating.
- Due notice to terminate the tenancy has been given to the Respondent.
- The Respondent has failed to remove.
- The Respondent has had due intimation of this application in terms of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017.

Decision

The Applicant is entitled to recover possession of the Property and the tribunal therefore made an order to that effect.

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.

G Buchanan

Legal Member/Chair

Date