



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Rule 26 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017.**

Chamber Ref: FTS/HPC/EV/20/0163

Re: The Stables Cottage, Barjarg Estate, Auldgirth, Dumfries, DG2 0TN("the Property")

Parties:

Mr Archibald Donaldson and Mrs Mary Donaldson residing at Barjarg Tower, Auldgirth, Dumfries, DG2 0TN("the Applicants")

G M Thomson & Company (Applicants' Representative)

Ms Linda Mary Streeton ("the Respondent")

Tribunal Member: Jacqui Taylor (Legal Member)

The Tribunal rejects the application by the Applicant dated 15<sup>th</sup> January 2020 being an application for an order for possession upon termination of a short assured tenancy under section 33 of the Housing (Scotland) Act 1988.

The Tribunal sent the Applicants' Representative an email dated 27<sup>th</sup> January 2020 which stated: 'The original tenancy runs from 14<sup>th</sup> December 2015 to 15<sup>th</sup> June 2016 and month to month thereafter. Accordingly the Respondents' agents were asked to address the Tribunal on why they consider the ish date to be 14<sup>th</sup> January 2020, as shown on the Notice to Quit and section 33 Notice.'

The Respondents' agents replied to the Tribunal Administration by email dated 30<sup>th</sup> January 2020 which confirmed that they had incorrectly stated the ish date was 14<sup>th</sup> rather than 15<sup>th</sup> of the month.

Section 33(1)(a) and (b) of the Housing (Scotland) Act 1988 stipulates that it is a requirement of granting an order for repossession of a short assured tenancy that the tenancy has reached its end and that tacit relocation is not running. The Notice to Quit served on the Respondent by the Applicants' Representative is invalid as it wrongly states that the end date is 14<sup>th</sup> January 2020.

Accordingly the Tribunal have good reason to believe that it would not be appropriate to accept the application and reject the application in terms of rule 8 (1)(c) of the Tribunal Rules.

**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**

.....Jacqui Taylor.....Legal Member Date: 10<sup>th</sup> February 2020