



**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/20/0164

Re: Property at 60 Alloway Terrace, Dundee, DD4 8AL (“the Property”)

Parties:

B & T Properties, 50 Old Glamis Road, Dundee, DD3 8JJ (“the Applicant”)

Ms Stacey Wallace, 60 Alloway Terrace, Dundee, DD4 8AL (“the Respondent”)

Tribunal Members:

Valerie Bremner (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that a possession order in terms of Section 33 of the Housing (Scotland) Act should be granted.

Background

This is an application in terms of Rule 66 of the Tribunal rules which was submitted on 17th January 2020 and accepted by the Tribunal on 27th January 2020.

Case Management Discussion

The Applicant did not attend the case management discussion but was represented by Mr Campbell solicitor of Campbell Boath Solicitors. The Respondent was not present. The Tribunal had received an email from Shelter in Dundee advising that she would not attend the case management discussion and would not be defending the application. The Tribunal determined that the matter should proceed in her absence in terms of the Rules.

The Tribunal had the application, the tenancy agreement, Form AT5, a Notice to Quit, a Notice in terms of Section 33 of the 1988 Act, a certificate of posting for these Notices, a Notice in terms of Section 11 of the Homelessness etc (Scotland) Act 2003 and a certificate of posting of this Notice.

Mr Campbell moved for a possession order and this was granted by the Tribunal.

Findings in Fact

1. The Applicant and Respondent entered into a short assured tenancy agreement with effect from 12th June until 14th December 2015. The agreement continued on a monthly basis thereafter.
2. The Applicant served a Notice to Quit and Notice under section 33 of the Act on the Respondent on 17th October 2019. The tenancy has reached its end.
3. The Applicant served Notice under Section 11 of the Homelessness etc (Scotland) Act 2003 on the local authority in relation to this application.

Reason for Decision

The Tribunal considered the documentation lodged in this application and found that the Notice to Quit and Notice in terms of Section 33 the 1988 Act were properly and timeously served and that the tenancy agreement had reached its end date. The documentation posted to the Respondent had not been returned and she had clearly received it as she had intimated that she would not be attending or opposing the Application.

Decision

The Tribunal made a possession order in terms of Section 33 of the Housing(Scotland) Act 1988 in respect of the property.

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.

Miss Valerie Bremner

13/03/2020

Legal Member/Chair

Date