



**Statement of Decision and Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Rule 66 of the Housing (Scotland) Act 1988.**

**Chamber Ref: FTS/HPC/EV/17/0485**

**Re: Property at Flat 0/1, 6 Rowan Wynd, Paisley, PA2 6FF (“the Property”)**

**Parties:**

**Kris Boyd 39 Anderson Drive, Darvel, East Ayrshire, KA17 0DE (“the Applicant”)**

**Charlene McDonald Flat 0/1, 6 Rowan Wynd, Paisley, PA2 6FF (“the Respondent”)**

**Tribunal Members: Neil Kinnear**

**Decision and Statement of Reasons**

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

**Background**

This is an application dated 13<sup>th</sup> December 2017 brought in terms of Rule 66 (Possession on Termination of Short Assured Tenancy) of the First-tier Tribunal for Scotland Housing and Property Chamber (Rules of Procedure) Amendment Regulations 2017.

The applicant did not appear personally at the Case Management Discussion, but was represented by his agent, Mr White. The respondent did not appear in person, nor was she represented.

The applicant provided with his application a copy of the short assured tenancy agreement, form AT5, Notice to Quit, Section 33 notice, Section 11 notice, and relevant execution of service. All of these documents and forms had been correctly prepared in terms of the provisions of the Housing (Scotland) Act 1988, and the procedures laid out in that Act correctly followed and applied.

The respondent had been validly served by sheriff officers with the notification, application and guidance notes from the Tribunal on 1<sup>st</sup> February 2018, and I was provided with the execution of service. She is accordingly deemed to be aware of the Case Management Discussion.

### **Statement of Reasons**

In terms of section 33 of the Housing (Scotland) Act 1988, the Tribunal shall make an order for possession of the house let on the tenancy if:

- (a) The short assured tenancy has reached its end;
- (b) Tacit relocation is not operating;
- (c) No further contractual tenancy (whether a short assured tenancy or not) is for the time being in existence; and
- (d) The landlord has given to the tenant notice stating that he requires possession of the house.

All of the above criteria have been satisfied in this case, and accordingly the Tribunal shall make an order for possession.

### **Decision**

In these circumstances, I have made an order for possession of the house let on the tenancy as sought in the application.

### **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.**

**Where such an appeal is made, the effect of the decision and of any order is suspended until the appeal is abandoned or finally determined by the Upper Tribunal, and where the appeal is abandoned or finally determined by upholding the decision, the decision and any order will be treated as having effect from the day on which the appeal is abandoned or so determined.**

N Kinnear

\_\_\_\_\_  
**Legal Member/Chair**

06/03/18  
\_\_\_\_\_  
**Date**