



**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/21/1858**

**Re: Property at 8/11, Lindsay Road, Edinburgh, EH6 4DT (“the Property”)**

**Parties:**

**Mr Hamish Campbell, 17 Aldercombe Road, Bristol, BS9 2QJ (“the Applicant”)**

**Mr Gordon Stewart, UNKNOWN, UNKNOWN (“the Respondent”)**

**Tribunal Members:**

**Nicola Irvine (Legal Member) and Helen Barclay (Ordinary Member)**

**Decision (in absence of the Respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant is entitled to the Order sought for recovery of possession of the property.**

**Background**

The Applicant submitted an application seeking an order to evict the Respondent from the property at 8/11 Lindsay Road, Edinburgh. An earlier case management discussion took place on 28 October 2021 and was adjourned for intimation of the application on the Respondent. The Tribunal intimated the application to the Respondent by advertisement on the Housing and Property Chamber website on 13 January 2022.

The Respondent has not made contact with the Tribunal, nor has he lodged any written representations.

## **The Case Management Discussion**

The Applicant was represented by Mr Runciman. The case management discussion took place by conference call and proceeded in the absence of the Respondent. Mr Runciman advised that the Applicant relied upon Section 33 of the Housing (Scotland) Act 1988 and sought an order for eviction. The Applicant's position was that the conditions set out in Section 33 of the Act have been met and the short assured tenancy terminated at the ish. The Applicant's representative advised that the Respondent has failed to pay rent for the property for some considerable time and that the rent arrears as at November 2021 amounted to £11,250. It was submitted that it was reasonable in all the circumstances for the Tribunal to grant an order evicting the Respondent from the property.

## **Findings in Fact:**

1. The Applicant and the Respondent entered into a tenancy agreement in respect of the property; the duration of the tenancy was from 29 November 2014 to 29 May 2015. Thereafter, the tenancy continued on a month to month basis.
2. The Applicant's representative served notice in terms of Section 33 of the Housing (Scotland) Act 1988 on 18 December 2020 indicating that the Applicant required possession of the property on or before 19 June 2021.
3. The Applicants agent served a Notice to Quit on 18 December 2020.
4. The short assured tenancy had reached its ish.
5. Tacit relocation was not operating.
6. No further contractual tenancy is in operation.

## **Reason for Decision**

The Tribunal proceeded on the basis of the written documents which were before it. The Applicant's representative invited the Tribunal to make the Order sought. The Applicant's relied upon Section 33 of the Act. The notice had been properly served. The Tribunal was satisfied that conditions of Section 33 had been met. There was nothing before the Tribunal challenging or disputing any of the evidence before it. The Tribunal was satisfied that it was reasonable to grant the order allowing the Applicant to recover possession.

## **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.**

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**Legal Member/Chair**

**18 February 2022**  
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**Date**