



**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**

Reference number: FTS/HPC/EV/19/3239

Date Order was granted 9 March 2020 in absence of the Respondent

Property: 5 Green Street, Forfar, DD8 3AR

Parties:

Elizabeth Sturrock, residing at Brantwood, 13 Dunnichen Road, Kingsmuir, Forfar DD8 2RQ and Deborah Riley residing at 5 High Rigg, Craichie, Forfar, DD8 2DR ("the Applicants")

Miss Sindy Gordon, residing at 5 Green Street, Forfar, DD8 3AR ("the Respondent(s)")

Tribunal Members:

Paul Doyle (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") makes an order for possession of the Property in terms of section 33 of the Housing (Scotland) Act 1988.

Background

The Applicant sought recovery of possession of the Property in terms of Section 33 of the Housing (Scotland) Act 1988 (the "1988 Act"). The Applicant had lodged with the Tribunal Form E. The documents produced were a Tenancy Agreement and form AT5 both dated 9 November 2012 a s.33 notice and a Notice to quit served on 12 June 2019 together with a notice under s.11 of the Homelessness (Scotland) Act 2003. A copy title sheet, together with links in title, were lodged with the Tribunal which showed that the applicant is the heritable proprietor of the Property.

Case Management Discussion

A case management discussion took place before the Tribunal at 10.00am on 9 March 2020 within Caledonian House, Greenmarket, Dundee. The Applicants were represented by Kirsty Waughman, solicitor, of Thorntons LLP. The respondent was neither present nor represented.

Findings in Fact

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent entered into a Short-Assured Tenancy Agreement for the Property dated 9 November 2012.
2. The period of the Lease was from 9 November 2012 to 8 May 2013 and thereafter on a month to month basis. The initial rent in terms of the Tenancy Agreement was £420 per month.
3. The Tenancy Agreement set out the grounds on which the Landlord could seek recovery of possession of the Property in terms of Schedule 5 of the 1988 Act.
4. A Form AT6, a notice to quit and a s.33 notice were served on the Respondent on 12 June 2019. The tenancy is a short-assured tenancy and the respondent received the notice to quit, the s.33 notice and the form AT6 timeously.
5. An Application was made to the Tribunal on 5 October 2019 which was more than two months after the date of service of the AT6.
6. The Applicant sought recovery of possession of the Property in terms of s.33 of the Housing (Scotland) Act 1988 because the short-assured tenancy had been brought to an end on 8 June 2019 by the service of the s.33 notice.
7. Sheriff Officers served Notice of today's hearing on the respondent on 5 February 2020. The respondent offers no resistance to this application. The respondent offers no stateable defence to an application for eviction from the property.

Reasons for the Decision

The Tribunal determined to make an Order for possession of the Property in terms of Section 33 of the 1988 Act. The tenancy was a short-assured tenancy. Correct notice was given which brought the short-assured tenancy to an end on 8 June 2019. The basis for possession set out in s.33 of the 1988 Act is established. The respondent offers no defence to the application. The finite time for occupancy of the property as a short-assured tenancy has come to an end. For these reasons, the Tribunal determined to grant an Order for possession. The AT6 has been served on the Respondent and has provided the requisite period of notice. This Application has been made within a period of 6 months after the service of the AT6.

Decision

For the foregoing reasons, the Tribunal determined to make an Order for 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.

Mr P Doyle

9 March 2020

Legal Member