



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section s33 of the Housing (Scotland)
Act 1988 (the Act)**

Chamber Ref: FTS/HPC/EV/18/0101

**Re: Property at 11/3 Oxgangs Farm Drive, Edinburgh, EH13 9QG (“the
Property”)**

Parties:

Mrs Lorna Nicoll, 15 Redford Walk, Edinburgh, EH13 0AF (“the Applicant”)

**Ms Coral Jamieson, 11/3 Oxgangs Farm Drive, Edinburgh, EH13 9QG (“the
Respondent”)**

Tribunal Members:

Jan Todd (Legal Member)

Decision (in absence of the Respondent)

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

- This is an application by the applicant and owner of the property for eviction of the respondent from the property brought by application dated 11th January 2018, together with expenses of the action.

FACTS

- The Applicant is the heritable proprietor of the Property.
- The Applicant and the Respondent entered into a lease of the Property by virtue of a lease dated 2nd May 2017. The tenancy is a short assured tenancy. The date of commencement of the tenancy was 6th October 2016 and the tenancy was to end on 5th October 2017 (the ish date). The applicant served a notice to quit on the Respondent on 13th June 2017 requiring the Respondent to remove from the Property no later than 5th October 2017.

- The applicant also served a s33 notice in terms of the Act advising the Respondent that the applicant required possession of the property on 5th October 2017.
- Sheriff officers have served both above notices on 16th June 2017 giving more than 2 months notice to the respondent of the requirement to quit the Property.
- The respondent who is the tenant of the property has not left the Property.
- The applicant has served the notice under S11 of the Homelessness etc (Scotland) Act 2003 on the local authority.

Reasons

- The Tribunal is satisfied that the requirements of S33 (1) of the Act are met. That the applicant, being the Landlord in terms of the tenancy of the Property, is entitled to an order for possession of the Property. The short assured tenancy has reached its end, tacit relocation is not operating due to the contractual tenancy having been brought to an end by the service of the Notice to Quit, the applicant has served the appropriate notice stating she requires possession of the Property, and the tenant having refused to leave the property the Tribunal finds this action is necessary and in terms of S33 of the Act agrees that the applicant is entitled to an order for repossession of the Property.

Decision

- The Tribunal grants an order for possession 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.

J Todd

Legal Member/Chair

7/3/18

Date