



**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 (Act)**

Chamber Ref: FTS/HPC/EV/19/0107

**Re: Property at 56 The Crescent, Gowkshill, Gorebridge, EH23 4PR (“the
Property”)**

Parties:

Miss Nobuhle Ncube, 93 Birkenside, Gorebridge, EH23 4JF (“the Applicant”)

**Miss Siona McKimmie, Mr Marcus Lawrie, 56 The Crescent, Gowkshill,
Gorebridge, EH23 4PR (“the Respondent”)**

Tribunal Members:

Alan Strain (Legal Member)

Decision (in absence of the Respondent)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that the order for eviction/recovery of possession be
granted.**

Background

This is an application for eviction/recovery of possession in terms of section 33 of the
Act and Rule 66.

The Tribunal had regard to the following documents:

1. Application received 14 January 2019;
2. Short Assured Tenancy (**SAT**) dated 30 January 2014;
3. AT5 dated 30 January 2014;
4. Notice to Quit dated 26 September 2-18;
5. Section 33 Notice dated 26 September 2018;
6. Certificate of Service by Sheriff Officers of section 33 Notice and Notice to
Quit dated 28 September 2018;
7. Section 11 Notice. A Strain

Case Management Discussion (CMD)

The case called for a CMD on 5 March 2019. The Applicant was represented. There was no appearance and no representation on behalf of the Respondents.

The Tribunal were satisfied that the Respondents had received notification of the CMD by Sheriff Officers. The Tribunal were satisfied that the CMD should proceed in their absence.

The Tribunal considered the paperwork and made the following findings in fact:

1. The Parties entered in to a SAT on 30 January 2014;
2. The SAT continued month to month after the initial period;
3. Notice to Quit and Section 33 Notice had been validly served on the Respondents;
4. Section 11 notification had been made.

The Tribunal were accordingly satisfied that there was sufficient information upon which to make a Decision and that it was fair to do so. The Tribunal considered and found that the SAT had been validly terminated and the order ought therefore to be granted.

The Tribunal granted the order for eviction/recovery of possession sought.

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

5 March 2019

Date