



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/20/0683

Re: Property at 4 Bee Edge, Coldingham, Eyemouth, TD14 5TJ (“the Property”)

Parties:

Mr William Harrison, Blackpotts Farm, Coldingham, TD14 5QE (“the Applicant”)

Mr John Burnett, Ms Elaine Smith, UNKNOWN, UNKNOWN (“the Respondent”)

Tribunal Members:

John McHugh (Legal Member)

Decision (in absence of the Respondents)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for possession of the Property should be made in favour of the Applicant.

Background

The Applicant holds the landlord's interest and the Respondents the tenant's interest in a short assured tenancy in respect of the Property dated 13 April 2017.

The Applicant wishes possession of the Property to be granted in his favour in respect of the Respondents' failure to pay rent.

The Case Management Discussion

A Case Management Discussion (“CMD”) took place by conference call on 2 September 2020. The Applicant was not present having indicated that he may not be in attendance and that he wished the Tribunal to proceed with the CMD without

him and on the basis of the papers which he had submitted. The Respondents were neither present nor represented. The Tribunal was satisfied that notification of the hearing had been given to the Respondents. The Respondents have taken no part in any stage of the proceedings.

Findings in Fact

The Applicant holds the landlord's interest and the Respondents the tenant's interest in a short assured tenancy dated 13 April 2017.

The Tenancy Agreement provided for an initial term of six months until 14 October 2017 and for the tenancy to continue thereafter on a month to month basis.

On 30 October 2019 the Applicant served upon the Respondents a notice dated 26 October 2019 under section 33 of the 1988 Act and Notice to Quit requiring the Respondents to remove by 14 February 2020.

Reasons for Decision

The Tribunal is satisfied that the short assured tenancy has reached its end; that tacit relocation is not operating; that no further tenancy exists; and that the Applicant has given to the Respondents notice in terms of section 33 of the 1988 Act. An order for possession requires to be made in terms of section 33 of the 1988 Act.

Decision

An order for possession of the Property will be made in favour of the Applicant.

Right of Appeal

In terms of Section 46 of the Tribunals (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.

John McHugh, Legal Member/Chair

2 September 2020
Date

