



**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/19/0684

Re: Property at 24F Exchange Street, Dundee, DD1 3DL (“the Property”)

Parties:

**Home in Scotland Limited, River Court, 5 West Victoria Dock Road, Dundee,
DD1 3JT (“the Applicant”)**

**Mr Hamish McKinnon, 24F Exchange Street, Dundee, DD1 3DL (“the
Respondent”)**

Tribunal Members:

Andrew McLaughlin (Legal Member)

Decision

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

**This matter called for a Case Management Discussion on 2 May 2019 at 10am
in Hilltown Community Centre, 15 Alexander Street, Dundee. The Applicant
was represented by Ms Glenn, solicitor and the Respondent was personally
present.**

**The Tribunal noted that the tenancy in question was a short assured tenancy
under the Housing (Scotland) Act 1988 and a Notice to Quit and S33 Notice
had been validly served on the Respondent providing him with the requisite
period of notice to bring the tenancy to an end at its *ish* date of 21 February
2019. Notice had also been provided to the local authority in respect of s11 of
the Homelessness Etc. (Scotland) Act 2003.**

**Mr McKinnon wished to defend the Application and made reference to various
issues he had with the property. It became apparent that these concerns were
not relevant to the subject matter of the Tribunal and so the Tribunal declined
to allow these matters to be explored further. Mr McKinnon had also lodged a**

letter setting out his response to the Application but this letter was written in a style of script that the Tribunal found extremely difficult to read. The Tribunal gave Mr McKinnon further opportunities to make relevant representations and to raise any relevant issues contained within his letter. However after noting that the Respondent had taken legal advice and also acknowledged receiving the notices, the Tribunal considered that it must make an eviction order in respect of the terms of s33 of the Housing (Scotland) Act 1988. The Tribunal therefore granted the Application and made the Eviction Order as 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.

Andrew McLaughlin

Legal Member/Chair

2/5/19

Date