



**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/19/0794

Re: Property at Lodge Cottage, Craigbeck, Moffat, DG10 9QP (“the Property”)

Parties:

**Mrs Annie Elvin Meehan, C/O Hillmount Cottage, Birgham, Coldstream, TD12
4NE (“the Applicant”)**

**Mr Jason Allen, Mrs Sarah Allen, Lodge Cottage, Craigbeck, Moffat, DG10 9QP
 (“the Respondent”)**

Tribunal Members:

Alison Kelly (Legal Member)

Decision (in absence of the Respondents)

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

Background

The Applicant lodged an application on 11th March 2019, seeking eviction of the Respondents under Rule 66 of the Tribunal’s Rules of Procedure.

Lodged with the Application were:

1. Copy lease
2. Copy AT5
3. Copy Section 33 Notice
4. Copy Notice To Quit
5. Sheriff Officer’s service in relation to 3 and 4
6. Section 11 Notice

Service of the Application by Sheriff Officer failed, and the Application was served by way of advertisement on the website of the First-tier Tribunal for Scotland Housing and Property Chamber website, between 2nd May and 6th June 2019.

Case Management Discussion

The Applicant was represented by Kirsten Brown of McJarrow and Stevenson, Solicitors. The Respondents did not appear and were not represented.

Miss Brown submitted that all the notices had been served correctly and that the order should be granted. The Respondents were believed to have vacated the property in August 2018, but given that there had been difficulties throughout the tenancy the Applicant was reluctant to treat it as at an end without a formal order for eviction. She explained that the respondents had claimed that repairs needed done, but would not cooperate with the Factor to facilitate these, carried out repairs themselves and then tried to bill the Factor.

Findings In Fact

1. The tenancy was constituted by way of a lease dated 20th and 21st October 2016;
2. There was a valid AT5 notice, making the tenancy a Short Assured tenancy in terms of the Housing (Scotland) Act 1988;
3. The lease had been brought to an end by the service of the Notice To Quit and Section 33 Notices.

Reasons For Decision

The Applicant has served the correct notices to bring the tenancy to an end and therefore, in terms of the Housing (Scotland) Act 1988 the order must be granted.

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.

Ms Alison J Kelly

Legal Member/Chair

J

Date

6/10/19