



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/20/1142

Re: Property at 34 Carrick Knowe Hill, Edinburgh, EH12 7BR (“the Property”)

Parties:

Mr Scott Brennan, Mrs Faith Brennan, 1 South Crescent, Prestonpans, East Lothian, EH32 9PF (“the Applicant”)

Ms Ami Runciman, 34 Carrick Knowe Hill, Edinburgh, EH12 7BR (“the Respondent”)

Tribunal Members:

Andrew McLaughlin (Legal Member)

Decision

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

- **Background**

This matter relates to an Application for an Eviction Order under Section 33 of the Housing (Scotland) Act 1988. The Application is founded upon a Notice to Quit and a Section 33 Notice served on the Respondent on 12 February 2020 purporting to end a Short Assured Tenancy between the parties as at 28 April 2020.

A Section 11 Notice intimated to the Local Authority under the Homelessness (etc) Scotland Act 2003 is also produced with the Application. An email is also produced purporting to be from the Respondent acknowledging receipt of the Notice to Quit and the Section 33 Notice on 12 February 2020. The Short Assured Tenancy itself is also produced.

- **Case Management Discussion**

A Case Management Discussion took place by conference call and which commenced at 2pm on 20 August 2020. The Applicants were both present on the call together with the Respondent. Both parties were given the opportunity to make representations.

Both parties acknowledged having received the relevant Tribunal paperwork in respect of the Application. The Respondent acknowledged having received the Notice to Quit and the Section 33 Notice founded upon in the Application. The Respondent acknowledged that the email produced with the Application purporting to be from the Respondent was a genuine email sent by the Respondent.

The Applicants invited the Tribunal to grant the Application. The Respondent invited the Tribunal to refuse the Application. The Respondent's reasons for opposing the Application related to a sense of unfairness regarding the prospect of having to leave the Property and seek alternative accommodation.

- **Findings in Fact**

Having heard parties regarding the Application the Tribunal found the following facts to be established.

- I. There was a Short Assured Tenancy between the parties dated 13 November 2012.**
- II. The Applicants were the Landlords and the Respondent was the Tenant in the Short Assured Tenancy.**
- III. The Short Assured Tenancy was for the period of 29 November 2012 until 28 November 2013. Thereafter it was to continue on a month to month basis.**
- IV. The Applicants served a Notice to Quit and a Notice under Section 33 of the Housing (Scotland) Act 1988 on the Respondent on 12 February 2020.**
- V. The aforesaid notices provided that the tenancy would end on 28 April 2020.**
- VI. The Respondent has failed to remove herself from the Property.**

- **Reasons for Decision**

Having made the above findings in fact, the Tribunal considers that Section 33 of the Housing (Scotland) Act 1988 is engaged and the Tenancy has been validly brought to an end at its ish date.

Accordingly, the Tribunal granted 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

20 August 2020

Legal Member/Chair

Date