

**Housing and Property Chamber**  
First-tier Tribunal for Scotland



**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/19/1197**

**Re: Property at 78 Cuiken Terrace, Penicuik, EH26 0DU (“the Property”)**

**Parties:**

**Mr Mahmoud Jamiolahmady, Mr Mehran Sohrabi, represented by The Key Place, 6 Bank Street, Penicuik, EH26 9BG (“the Applicant”)**

**Mr Ian Douglas, 78 Cuiken Terrace, Penicuik, EH26 0DU (“the Respondent”)**

**Tribunal Members:**

**George Clark (Legal Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application should be granted without a hearing and made an Order for Possession of the Property.**

**Background**

By application, received by the Tribunal on 17 April 2019, the Applicant sought an Order for Possession of the Property under Section 33 of the Housing (Scotland) Act 1988 (“the 1988 Act”).

The application was accompanied by a copy Short Assured Tenancy Agreement between the Parties, commencing on 13 November 2017 and ending on 13 May 2018 and, if not ended on that date, continuing thereafter on a monthly basis until terminated by either party giving no less than two months’ written notice to the other party. The rent under the lease was £650 per month.

The Applicant also provided the Tribunal with copies of a Notice to Quit and of a Notice given under Section 33 of the 1988 Act, both dated 7 February 2019 and both requiring the Respondent to vacate the Property by 13 April 2019.

On 23 May 2019, the Tribunal advised the Parties of the date, time and venue for a Case Management Discussion and the Respondent was invited to make written representations by 10 June 2019.

The Respondent made no written representations to the Tribunal.

### **Case Management Discussion**

A Case Management Discussion was held at George House, 126 George Street, Edinburgh on the afternoon of 27 June 2019. The Applicant was represented by Mr Robert Young and Ms Fiona McBeth of The Key Place, Penicuik. The Respondent was present.

The Applicant's representative asked the Tribunal to make an Order for Possession without a hearing.

### **Reasons for Decision**

Rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 provides that the Tribunal may do anything at a case management discussion which it may do at a hearing, including making a decision. The Tribunal was satisfied that it had before it all the documentation and information it required and that it would determine the application without a hearing.

Section 33 of the 1988 Act states that the Tribunal shall make an order for possession of a house let on a short assured tenancy if satisfied that the tenancy has reached its end, that tacit relocation is not operating, that no further contractual tenancy is for the time being in existence and that the landlord has given to the tenant notice that he requires possession of the house.

The Tribunal was satisfied that the tenancy had reached its end on 13 April 2019, that, as a result of service of the Notice to Quit, tacit relocation was not operating, that there was no further contractual tenancy in existence and that the Applicant had given the Respondent the Notice required under Section 33 of the 1988 Act, the period of notice being not less than two months. Accordingly, all the requirements of Section 33 had been met and the Tribunal was bound to grant an Order for Possession of the Property.

### **Decision**

The Tribunal determined that the application should be granted without a hearing and made an Order for Possession of the Property.

### **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.**

G Clark

27 June 2019  
**Date**