



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland  
(Housing and Property Chamber) under Section 16 of the Housing (Scotland)  
Act 2014**

**Chamber Ref: FTS/HPC/EV/18/1262**

**Re: Property at 63 Howden Road, Jedburgh, TD8 6JT (“the Property”)**

**Parties:**

**Mr Stuart Wilson ,14 West Main Street, Lauder, TD2 6TE (“the Applicant”)**

**Mr Ewart Ramsay and Ms Eileen Henderson, 63 Howden Road, Jedburgh, TD8  
6JT (“the Respondent”)**

**Tribunal Members:**

**Fiona Watson (Legal Member)**

**Decision (in absence of the Respondent)**

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

- Background

An application was submitted to the Tribunal by the Applicant under Rule 66 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 dated 21 May 2018.

- Case Management Discussion

A case management discussion took place on 10 August 2018. The Applicant was represented by Mr Hamilton of ELP Arbuthnott McClanachan, Solicitors. There was no appearance by or on behalf of the Respondent.

The Applicant’s solicitor moved the Tribunal to grant the repossession order as sought. The Application was made in terms of section 33 of the Housing (Scotland) Act 1988. A Notice to Quit and notice under section 33 of the 1988 Act had been served on the Respondent. The tenancy had reached its end, tacit relocation was not in operation and no further contractual tenancy was in existence. The Applicant submitted that the terms of section 33 of the 1988 Act had been complied with and the Order should be granted.

The Tribunal was advised that there had been no contact by the Respondents since the application was raised and it was thought that the Respondents were still resident at the Property.

- Findings in Fact

1. The parties had entered into a Short Assured Tenancy which commenced 1 September 2017.
2. A Notice to Quit and notice in terms of section 33 of the Housing (Scotland) Act 1988 had been served on the Respondents by Recorded Delivery post on 26 February 2018. Said Notices required the Respondents to remove from the Property by 1 May 2018.

- Reasons for Decision

The Tribunal was satisfied that the terms of section 33 of the Housing (Scotland) Act 1988 had been met. The short assured tenancy had reached its end, tacit relocation was not operating, no further contractual tenancy was in existence and a notice had been given to the tenant by the landlord stating that he requires possession of the house. The Tribunal was satisfied that the Applicant was thereby entitled to the order as sought.

- Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) granted an order against the Respondent for possession of the Property under section 33 of the Housing (Scotland) Act 1988.

## 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.**

Fiona Watson

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Legal Member/Chair

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Date

10/8/18