

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 (“the Act”)

Chamber Ref: FTS/HPC/EV/19/1316

Re: Property at 190J (3F) New Street, Musselburgh, East Lothian, EH21 6BZ (“the Property”)

Parties:

Ms Jill Dowling, c/o 9/10/11 Atholl Place, Edinburgh, EH3 8HP (“the Applicant”) resrepresented by Miss Kirstie Donnelly of Bannatyne, Kirkwood, France and Co.,solicitors, 16 Royal Exchange Square, Glasgow G1 3AG (“the Applicant’s Agents”)

Mr Ryan Knox, 190J (3F) New Street, Musselburgh, East Lothian, EH21 6BZ (“the Respondent”)

Tribunal Members:

Karen Moore (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Order for possession be granted.

1. By application comprising paperwork including a copy short assured tenancy agreement between the parties, a copy Notice to Quit bringing the tenancy to an end at 8 March 2019, being an ish date, copy Notice in terms of Section 33(1)(d) of the Act and Notice under Section 19A of the Act, all with evidence of service rental statement received by the Tribunal on 1 May 2019, (“the Application”), the Applicants’ Agents applied to the Tribunal for an Order for possession.
2. By Notice in terms of Rule 9 of the Rules dated 13 May 2019, a legal member of the First-tier Tribunal with delegated powers accepted the Application and fixed a Case Management Discussion (“CMD”) for 28 June 2019 at 14.00 in George House, 126, George Street, Edinburgh EH2 4HH.

Case Management Discussion

3. The Case Management Discussion took place on 28 June 2019 at 14.00 in the said George House,. Neither the Applicant nor the Respondent was present. The Applicant was represented by Miss Donnelly of the Applicant’s

Agents accompanied by Mr. Colin Dove of Dove Davies and Partners, 9-11, Atholl Place Edinburgh EH3 8HP, the Applicant's letting agents.

4. Miss Donnelly confirmed to me that the Order for possession is sought.

Findings in Fact

5. Based on the Application and the CMD, I was satisfied that the tenancy between the Parties came to an end on 8 March 2019 and did not tacit relocate. I was satisfied that the relevant statutory and common law procedure had been followed and so the tenancy had been brought to an end in terms of the Act and common law.

Decision and Reasons for Decision

6. Having found that the tenancy had had been brought to an end in terms of the Act and common law, and having the discretion in terms of Rule 17(4) of the Rules to do anything at a case management discussion which may be done at a hearing, in the terms of Section 33 of the Act, I granted the Order for possession.

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.

Karen Moore

Legal Member/Chair

28 June 2019

Date