

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/18/1482

**Re: Property at Flat 1F2, 20 Downfield Place, Dalry, Edinburgh, EH11 2EL ("the
Property")**

Parties:

**Places for People Scotland Limited, 1 Hay Avenue, Edinburgh, EH16 4RW ("the
Applicant")**

**Mr Thomas Myles, Flat 1F2, 20 Downfield Place, Dalry, Edinburgh, EH11 2EL
("the Respondent")**

Tribunal Members:

Alan Strain (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 eviction and recovery of possession
be granted.**

Background

This is an application for eviction and recovery of possession in terms of section 33 of the Housing (Scotland) Act 1988 (**Act**) and in accordance with Rule 66 of the Tribunal Procedure Rules.

The following documents were lodged with the application:

- (i) Tenancy Agreement dated and signed 7 October 2016;
- (ii) AT5 dated and signed 7 October 2016;
- (iii) Combined Notice to Quit and Section 33 Notice signed and dated 12 July 2017 specifying the date to quit as 8 October 2017;
- (iv) Certificate of Service of the Notice to Quit and Section 33 Notice by Sheriff Officer signed and dated 14 July 2017;

Alan Strain

- (v) Section 11 Notice to City of Edinburgh Council with covering email dated 13 June 2018;
- (vi) Statement of rental arrears as at the date of the application.

Case Management Discussion (CMD)

The case called for a CMD on 30 August 2018. The parties had been notified in advance of the CMD of the date and time of the CMD and the fact that the Tribunal could determine the matter at the CMD even if either party did not attend. This was done by letter from the Tribunal to both parties of 31 July 2018.

The Applicant was represented by Mr Matheson, Solicitor. The Respondent did not appear and was not represented. No contact had been received from the Respondent nor had any written submissions been made by him.

Mr Matheson invited the Tribunal to grant the order sought. He also sought amendment of the Applicant's designation to reflect it was a limited company. The application to amend was granted.

Decision and Reasons

The Tribunal carefully considered the documents lodged with the application, the application and the letter from the Tribunal notifying the Respondent of the CMD. The Tribunal considered the overriding objective and was satisfied that it had sufficient information before it to make a decision and that it was fair to do so. The tenancy was a short assured tenancy which had been validly terminated in accordance with section 33 of the Act. The Tribunal accordingly granted the order for eviction and recovery of 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.

Alan Strain

Legal Member/Chair

Date

30 August 2018