

**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/19/1540

Re: Property at 40 Burrelton Gardens, Dundee, DD3 9QT (“the Property”)

Parties:

**Mr Daniel Nwankwo, Mrs Elizabeth Nwankwo, 10 Royal Road, Sidcup, Kent,
DA14 4RQ (“the Applicant”)**

**Mr Ross Byers, Mr Stephen Byers, 40 Burrelton Gardens, Dundee, DD3 9QT
 (“the Respondent”)**

Tribunal Members:

Maurice O'Carroll (Legal Member)

Decision (in the absence of the Respondents)

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

Background

1. A Case Management Discussion (“CMD”) was held at 10am on 16 July 2019 at Caledonian House, Grassmarket, Dundee. Ms Sarah Cooper of Messrs Thorntons, solicitors, appeared for the Applicants. There was no appearance for the Respondents or anyone on their behalf. No reason or advance notification of the Respondents’ non-appearance had been provided to the Tribunal office.
2. The Legal Member had received executions of service from Sheriff Officers in respect of both Respondents and was satisfied that due notice of the CMD had been provide. Accordingly, the Tribunal decided to hold the CMD in the absence of the Respondents.

Findings in fact

3. The parties entered into a Short Assured Tenancy Agreement in respect of the Property which commenced on 15 July 2015, the date of entry. The rent payable was £550 per calendar month.
4. The rent was not paid in terms of the lease with the result that the Landlord served notice to quit on both Respondents. The Tribunal was provided with

copies of Recorded Delivery Notices served on both Respondents dated 22 February 2019 which required them to leave the Property by 10 May 2019. Both Notices were signed for by or on behalf of the Respondents.

5. The Tribunal was therefore satisfied that the requisite period of notice had been provided and that the Tenants had been validly served with a Notice to Quit.

Decision

6. In light of the above findings in fact, the Tribunal was satisfied that:
- The Notice to Quit had been validly served on both Respondents, and
 - The necessary period of Notice was provided in accordance with the requirements of the 1988 Act
7. Therefore it grants the Order for Eviction sought by the Applicants.

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.

Maurice O'Carroll

Legal Member/Chair

Date

16 July 2019