

**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber)**

Chamber Ref: FTS/HPC/EV/19/4037

Re: Property at 30D Needless Road, Perth, PH2 0LD (“the Property”)

Parties:

Mrs Julia Nina Horsburgh, 6 St Leonards Bank, Perth, PH2 8EB (“the Applicant”)

Miss Hollie Joanne Syme, Mr Michael Alexander Urquhart, 30D Needless Road, Perth, PH2 0LD (“the Respondent”)

Tribunal Members:

Virgil Crawford (Legal Member)

Decision (in absence of the Respondent)

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

BACKGROUND

1. By lease dated 16 January 2017 the Applicant let the property to the Respondents. The lease is a “Short Assured Tenancy” in terms of the Housing (Scotland) Act 1988;
2. The initial period of let was from 16 January 2017 until 17 July 2017;
3. On 3 October 2019, the following documents were forwarded by recorded delivery post by the Applicant to the respondent:-
 - a) A notice under s19 of the Housing (Scotland) Act 1988 (the “1988 Act”) – commonly referred to as a form AT6;
 - b) A notice in terms of s33 of the 1988 Act;
 - c) A notice to quit.These documents intimated that possession of the Property was required on 17 December 2019
4. The notice under s19 stated the ground upon which recovery of possession was sought to be, put briefly, s33 of the 1988 Act. This notice was

unnecessary and of no effect having regard to the terms of s33(5) of the 1988 Act

5. A letter had been forwarded to the local authority intimating that proceedings for recovery of possession had been initiated;

THE CASE MANAGEMENT DISCUSSION

6. The Applicant did not participate in the Case Management Discussion but was represented by Mrs S Lamond, Solicitor, Messrs McCash & Hunter, Perth;
7. The Respondents did not participate in the Case Management Discussion. The Tribunal had forwarded to the Respondents, on 11 June 2020, a letter confirming the date and time of the Case Management Discussion, together with all necessary details to enable the Respondents to participate. In the circumstances the Tribunal, being satisfied in terms of Rule 24 of The First Tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (the "FTT Rules") that the Respondent had received reasonable notice of the same determined that it was appropriate to proceed in accordance with Rule 29 of the FTT Rules;
8. The Applicant's representative sought an order for recovery of possession of the Property. Considering that the legal requirements for such an order had been met, the Tribunal granted same.

FINDINGS IN FACT

9. The Tribunal found the following facts to be established:-
 - a) By lease dated 16 January 2017 the Applicant let the property to the Respondents. The lease is a "Short Assured Tenancy" in terms of the Housing (Scotland) Act 1988;
 - b) The initial period of let was from 16 January 2017 until 17 July 2017;
 - c) On 3 October 2019, the following documents were forwarded by recorded delivery post by the Applicant to the respondent:-
 - i. A notice under s19 of the Housing (Scotland) Act 1988 (the "1988 Act") – commonly referred to as a form AT6;
 - ii. A notice in terms of s33 of the 1988 Act;
 - iii. A notice to quit.These documents intimated that possession of the Property was required on 17 December 2019
10. The notice under s19 was unnecessary and of no effect having regard to the terms of s33(5) of the 1988 Act
11. A letter had been forwarded to the local authority intimating that proceedings for recovery of possession had been initiated;

DECISION

The Tribunal granted an order against the Respondents for possession of the Property under section 33 of the Housing (Scotland) Act 1988.

Grants order to Officers of Court to eject the Respondents and family, servants, dependants, employees and others together with their goods, gear and whole belongings furth and from the Property at 30D Needless Road, Perth, PH2 0LD and to make the same void and redd that the Applicant or others in their name may enter thereon and peaceably possess and enjoy the same.

Order not to be executed prior to 12 noon on 19 August 2020

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.

V Crawford

13 July 2020

Legal Member/Chair

Date