



**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/19/2091

Re: Property at 116 Abernethy Road, Dundee, DD5 2PG (“the Property”)

Parties:

Mr David Rorie, 1L, 10 Morgan Place, Dundee, DD4 6NA (“the Applicant”)

Ms Angela James, 116 Abernethy Road, Dundee, DD5 2PG (“the Respondent”)

Tribunal Members:

John McHugh (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for recovery of possession of the Property should be made in favour of the Applicant and that the execution of the order should be delayed until 1 March 2020.

Background

The Applicant is the landlord and the Respondent the tenant in terms of a short assured tenancy agreement dated 22 February 2015 in respect of the Property.

Case Management Discussion

A Case Management Discussion (“CMD”) took place on 14 November 2019. The Applicant was represented by Ally Campbell of Campbell Boath solicitors. The Respondent was present and represented by Peter Kinghorn of Dundee North Law Centre.

Findings in Fact

The Applicant is the landlord and the Respondent the tenant in terms of a short assured tenancy agreement dated 22 February 2015 in respect of the Property.

On 12 April 2019 the Applicant served a notice under section 33 of the 1988 Act and a notice to quit upon the Respondent terminating the tenancy with effect from 30 June 2019.

The Respondent remains in possession of the Property.

The short assured tenancy has reached its end.

Tacit relocation is not operating and no further tenancy is in existence.

Reasons for Decision

The criteria set down by section 33 of the 1988 Act are fulfilled and an order for possession should be made. Parties were agreed at the CMD that an order for possession should be made. They further agreed that execution of the order should be delayed until 1 March 2020 to allow the Respondent to obtain alternative housing. The Tribunal considers that delaying execution in terms of Rule 16A of the Tribunal Procedure Rules is appropriate.

Decision

An order for recovery of possession of the Property should be made in favour of the Applicant. Execution of the order should be delayed until 1 March 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.

John McHugh

John McHugh, Legal Member/Chair

14 March 2019

Date