



**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/19/2626

Re: Property at 23 Monart Road, Perth, PH1 5US (“the Property”)

Parties:

3 Point Management Ltd., 8 Muirend Avenue, Perth, PH1 1JL (“the Applicant”)

Ms Lisa-Ann Duffy, 23 Monart Road, Perth, PH1 5US (“the Respondent”)

Tribunal Members:

Gabrielle Miller (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that that the order for recovery and possession should be granted in favour of the Applicant.

Background

1. This is an application in terms of Rule 66 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”). The Applicant is seeking an order for recovery of possession in terms of section 33 of the Act.
2. The parties entered into a Short Assured Tenancy between 9th June 2017 and 9th December 2017. The rent payments of £625 per month were due on the 9th day of each month in advance.
3. The Tribunal had before it the following documents:
 - a) Application dated 21st August 2019 received by the Housing and Property Chamber on 22nd August 2019.

- b) Short Assured Tenancy Agreement signed 9th June 2017.
 - c) Form AT5 signed by the parties on 9th June 2017.
 - d) Notice to Quit dated 8th June 2019 requiring vacant possession as at 9th August 2019 with sheriff officer certificate of intimation dated 11th June 2019 confirming service by letterbox delivery and first class post.
 - e) Section 33 Notice dated 8th June 2019 stating that the tenancy terminates on 9th August 2019 with sheriff officer certificate of intimation dated 11th June 2019 confirming service by letterbox delivery and first class post.
 - f) Title deeds with reference REF PTH38077.
 - g) Section 11 Notice noting date of raising proceedings 21st August 2019.
 - h) Sheriff Officer certificate of citation for documents pertaining to CMD on 5th November 2019 at 10am. The certificate is dated 3rd October and issued by letterbox delivery. The Sheriff Officer being satisfied that the Respondent resided at the Property.
 - i) Notice of acceptance dated 23rd September 2019.
4. On 2nd October 2019, all parties were written to with the date for the Case Management Discussion ("CMD") of 5th November 2019 at 10am at The Inveralmond Business Centre, Auld Bond Road, Perth. The letter also requested all written representations be submitted by 23rd October 2019.

Case Management Discussion

5. The Tribunal held a Case Management Discussion ("CMD") on 5th November 2019 at 10am at The Inveralmond Business Centre, Auld Bond Road, Perth. The Applicant was present represented by Mr Bruce Innes, sole director of 3 Point Management Ltd. The Respondent was not present. The Tribunal proceeded in terms of Rule 29 of the Rules. The Tribunal considered the Application. The Respondent was written to on 2nd October asking for any representations to be sent to the Housing and Property Chamber no later than 23rd October. No representations were submitted. The Applicant had last heard from the Respondent in the week prior to the hearing to request access for a gas inspection. The Tribunal was satisfied that all the documents had been appropriately served and there was no ground for discretion.

Findings in Fact

6. The parties entered into a Short Assured Tenancy on 9th June 2017 with the commencement of the tenancy on 9th June 2017 for a 6 months period until 9th December 2017. An AT5 was signed by both parties on the same date as the lease. The rent payments of £625 are due on the 9th day of each month.
7. The Housing and Property Chamber received an Application on 22nd August 2019.

Reasons for Decision

8. The Tribunal was satisfied that there were no other issues of reasonableness before them and that the notices had been served in an appropriate manner and that a Short Assured Tenancy had been entered into by the parties. Given this the Tribunal was satisfied all appropriate paperwork had been served the Order for repossession was granted.

Decision

9. The Applicant is entitled to for an Order of for 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.

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Gabrielle Miller

Legal Member/Chair

Date

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