

**Housing and Property Chamber**  
First-tier Tribunal for Scotland

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**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/18/2681**

**Re: Property at 24 Black Loch Place, Dunfermline, KY11 8ZD (“the Property”)**

**Parties:**

**Kingdom Initiatives Limited, Saltire Centre, Pentland Court, Glenrothes, KY6  
2DA (“the Applicant”)**

**Mr Robert Fraser-Martin, 24 Black Loch Place, Dunfermline, KY11 8ZD (“the  
Respondent”)**

**Tribunal Members:**

**George Clark (Legal Member)**

**Decision (in absence of the Respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the  
Tribunal”) determined that the application should be granted without a hearing  
and made an Order for Possession of the Property.**

**Background**

By application, received by the Tribunal on 8 October 2019, the Applicant sought an Order for Possession under Section 33 of the Housing (Scotland) Act 1988 (“the 1988 Act”). The application was accompanied by a copy of a Short Assured Tenancy Agreement between the Parties, commencing on 7 July 2017 and, if not brought to an end by either party on 28 January 2018, continuing on a monthly basis until ended by, *inter alia*, the tenancy reaching its ish date and the Applicant giving two months’ prior written notice that possession was required in terms of Section 33 of the 1988 Act.

The application was also accompanied by a copy of a Notice to Quit, dated 26 July 2018, with evidence of service by sheriff officer on 27 July 2018 and of a Notice under Section 33 of the 1988 Act, dated 27 July 2018. Both Notices required the Respondent to vacate the Property by 28 September 2018.

On 3 January 2019, the Tribunal advised the Parties of the date, time and venue for a Case Management Discussion and invited the Respondent to make written representations by 20 January 2019.

The Respondent made no written representations to the Tribunal.

### **Case Management Discussion**

A Case Management Discussion was held at The Vine Conference Centre, 131 Garvock Hill, Dunfermline on the morning of 22 January 2019. The Applicant was represented by Ms Jenny Simpson of Stevenson and Marshall Solicitors, Dunfermline, local agents for BTO Solicitors LLP, Glasgow. The Respondent was not present or represented at the Case Management Discussion.

Ms Simpson asked the Tribunal to grant the Order sought without a hearing.

### **Reasons for Decision**

Rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 provides that the Tribunal may do anything at a case management discussion which it may do at a hearing, including making a decision. The Tribunal was satisfied that it had before it all the information and documentation it required and that it would decide the application without a hearing.

Section 33 of the 1988 Act requires the Tribunal to make an Order for Possession if it is satisfied that a short assured tenancy has reached its end, that tacit relocation is not operating, that no further contractual tenancy is for the time being in existence and that the landlord has given to the tenant notice stating that he requires possession of the house.

The Tribunal was satisfied that the tenancy had reached its end, that from service of a Notice to Quit, tacit relocation was not operating, that there was no further contractual tenancy in existence and that the Applicant had given two months' notice that possession of the Property was required. Accordingly, all the requirements of Section 33 of the 1988 Act had been met and the Tribunal was bound to make an Order for Possession.

### **Decision**

The Tribunal determined that the application should be granted without a hearing and that an Order for Possession of the Property should be made.

### **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.

G Clark

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**Legal Member/Chair**

22 January 2019

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**Date**