



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 33(1) of the Housing (Scotland) 1988

Chamber Ref: FTS/HPC/EV/19/2766

Re: Property at 21 Marmion Road, Bathgate, EH48 4JB (“the Property”)

Parties:

Mr Robert Gillies, 7/42 Murieston Road, Edinburgh, EH11 2JJ (“the Applicant”)

Ms Lynn Scott, 21 Marmion Road, Bathgate, EH48 4JB (“the Respondent”)

Tribunal Members:

Karen Moore (Legal Member)

Decision in absence of Respondent

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an Order for Possession be granted.

Background

1. By application received on 6 September 2019 (“the Application”), the Applicant made an application to the Tribunal for a possession order in terms of Section 33 of the Act and in terms of Rule 66 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”). A copy of the tenancy agreement between the parties, a copy of a Notice to Quit, copy notice in terms of Section 33(1)(d) of the Act and a copy of notice in terms of Section 19A of the Act to West Lothian Council all with proof of service were lodged as part of the Application.
2. On 20 September 2019, a legal member of the Tribunal with delegated powers of the Chamber President accepted the Application and a Case Management Discussion (“CMD”) was fixed for 15 November 2019 at 14.00 at George House, 126, George Street, Edinburgh, EH2 4HH. The CMD was intimated to both parties.

Case Management Discussion

3. The CMD took place on 15 November 2019 at 14.00 at the said George House, The Applicant was present. The Respondent was not present and not represented.

4. The Applicant confirmed that the Order for possession was sought.

Findings in Fact

5. From the Application and the CMD, I found that a tenancy agreement had existed between the parties until terminated by the Applicant by virtue of a Notice to Quit served on the Respondent by the Applicant and that tacit relocation is not operating. I found that notice in terms of Section 33(d) of the Act had been served on the Respondent and that notice in terms of Section 19A of the Act had been properly intimated to the relevant local authority. Accordingly, I found that the statutory and common law provisions required to terminate the tenancy between the Parties had been satisfied.

Decision and Reasons for Decision

6. Having found that the tenancy had been terminated and the correct procedure followed, I had regard to Section 33(1) of the Act which states that “the First-tier Tribunal shall make an order” and to Rule 17(4) of the Rules which state that the Tribunal “may do anything at a case management discussion which it may do at a hearing, including make a decision” and, accordingly, I determined to grant an Order for 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.

Karen Moore

Legal Member/Chair

15 November 2019

Date