

Housing and Property Chamber
First-tier Tribunal for Scotland



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 18 of the Housing (Scotland) Act 1988

Chamber Ref: FTS/HPC/EV/19/0174

Re: Property at R/1/1, 273 Hilltown, Dundee, DD3 7AP ("the Property")

Parties:

Mr Kamraz Zaman, 2 Bronte Close, Gants Hill, Ilford, IG2 6XS ("the Applicant")

Mr Grant Scott, R/1/1, 273 Hilltown, Dundee, DD3 7AP ("the Respondent")

Tribunal Members:

Gabrielle Miller (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined 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 12th July 2016 and 11th January 2017. The rent payments of £325 per month were due on the 1st day of each month in advance. The tenancy was thereafter continued through tacit relocation on a six month basis in terms of the lease.

3. The Tribunal had before it the following documents:
- a) Application dated 14th January 2019 received by the Housing and Property Chamber on 17th January 2019.
 - b) Short Assured Tenancy Agreement signed 12th July 2016.
 - c) Form AT5 signed by the parties on 12th July 2016.
 - d) Notice to Quit dated 7th September 2018 with certificate of posting for recorded delivery dated 7th September 2018.
 - e) Section 33 Notice dated 7th September 2018 requiring vacant possession as at 11th January 2019.
 - f) Title deeds with reference ANG58944
 - g) Section 11 Notice noting date of raising proceedings 14th January 2019.
 - h) Sheriff Officer certificate of citation for documents pertaining to CMD on 20th March 2019 at including date and time of the CMD. The certificate is dated 28th February 2019 and issued by letterbox delivery. The Sheriff Officer being satisfied that the Respondent resided at the Property.

Case Management Discussion

4. The Tribunal held a Case Management Discussion ("CMD") on 20th March 2019 at Dundee Carers Centre, Dundee. The Applicant was not present but was represented by Mr Alec Campbell from Campbell Boath Solicitors. The Respondent was present with a friend for moral support. The Respondent was written to on 27th February 2019 asking for any representations to be sent to the Housing and Property Chamber no later than 15th March 2019. No representations were submitted. The Respondent made no objection to the proceedings. The Tribunal was satisfied that all the documents had been appropriately served and there was no ground for discretion.

Findings in Fact

5. The parties entered into a Short Assured Tenancy on 12th July 2016 with the commencement of the tenancy on 12th July 2016 for a 6 months period until 11th January 2017 then continued by tacit relocation for the term of the lease. An AT5 was signed by both parties on the same date as the lease. The rent payments of £325 are due on the 1st day of each month.
6. The Housing and Property Chamber received an Application on 17th January 2019.

Reasons for Decision

7. 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

8. 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.

G Miller

Legal Member/Chair

Date

20 MAR 19