

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



**Statement of Decision 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/17/0490**

**Re: Property at 6 Douglas Gardens Mews, Edinburgh, EH4 3BZ (“the Property”)**

**Parties:**

**Valteith Ltd, 6 Lynedoch Place, Edinburgh, EH3 7PX (“the Applicant”)**

**Ms Josie Grant, 6 Douglas Gardens Mews, Edinburgh, EH4 3BZ (“the Respondent”)**

**Tribunal Members:**

**Yvonne McKenna (Legal Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant is entitled to recovery of possession of the Property on termination of a Short Assured Tenancy.**

- **Background**

The application before the Tribunal is for an order for possession on termination of a short assured tenancy of the Property under section 33 of the Housing (Scotland) Act 1988. An application was submitted to the Tribunal by the Applicant on 13<sup>th</sup> December 2017 setting out the grounds. These are that the lease is a short assured tenancy which reached its end on 30<sup>th</sup> November 2017. Notice to Quit was served by letter dated 26<sup>th</sup> July 2017 along with the requisite section 33 Notice .

Documents lodged with the Tribunal are the Application referred to, the short assured tenancy lease, the AT5 Notice, the Notice to Quit and letter to the Respondent, Section 11 Notice to the Local Authority and a printout from the Scottish Landlord Register for the Property .

The Tribunal fixed a Case Management Discussion Hearing and this was intimated to parties. The Respondent was told in writing that written representations in response to the Application required to be lodged by 16<sup>th</sup> January 2018. She was also told that she required to attend the Hearing today

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and that the Tribunal could today make a decision on the application if the Tribunal has sufficient information and considers the procedure to have been fair.

- **The Hearing**

The Case Management Discussion took place in the absence of the parties. The Applicant company were represented by their solicitor, Mr. Gregor McEwan. The Respondent had made late submissions to the Tribunal by letter dated 24<sup>th</sup> January 2018 and the Applicants had also lodged late submissions namely an Inventory of Productions being letters sent by the Applicant or the company solicitors between 27<sup>th</sup> June 2017 and 1<sup>st</sup> November 2017. The Respondent had sent an e-mail to the Tribunal at 23.03 pm last night. This stated that she was unable to attend today due to personal circumstances and making further representations to the tribunal. Written submissions were presented by the Applicant today seeking possession. The various representations made by the Respondent relate to her personal circumstances and why she has been unable to pay her rent. She at no point disputes the fact that she has entered into a short assured tenancy, that she has not received requisite notices or that the lease is now at an end. By way of information the Applicants solicitor advised the Tribunal today that the current arrears of rent amount to £9,155 although this is clearly not the basis on which the Application is made.
- **Findings in Fact**

1 the Applicants and the Respondents entered into a Short Assured Tenancy on 30<sup>th</sup> November 2016. The relevant AT5 Notice confirming the short assured tenancy nature was served on 30<sup>th</sup> November 2016. The Respondent signed her acknowledgement of the Notice on that date.  
2.The Lease term was from 1<sup>st</sup> December 2016 to 31<sup>st</sup> May 2017. It reached its end on 30<sup>th</sup> November 2017.A Notice to Quit was served by letter dated 26<sup>th</sup> July 2017. A section 33 Notice was served on that date.  
3.The Applicants are entitled to an Order for possession.
- **Reasons for Decision**

No Defences to the Application have been submitted taking issue with the above material facts and accordingly the Applicants are entitled to the orders sought.
- **Decision**

The Tribunal grants the application.

## **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**

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party must seek permission to appeal within 30 days of the date the decision was sent to them.

Where such an appeal is made, the effect of the decision and of any order is suspended until the appeal is abandoned or finally determined by the Upper Tribunal, and where the appeal is abandoned or finally determined by upholding the decision, the decision and any order will be treated as having effect from the day on which the appeal is abandoned or so determined.

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Legal Member/Chair

Date

1/2/18