



**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/19/0365

**Re: Property at 15 Rossland Place, First Floor Left, Kinghorn Burntisland, Fife,
KY3 9SS (“the Property”)**

Parties:

**Miss Kathryn Macrae, 14 Orchard Terrace, Kinghorn, Fife, KY3 9XU (“the
Applicant”)**

**Ms Margaret Hunter, 15 Rossland Place, First Floor Left, Kinghorn Burntisland,
Fife, KY3 9SS (“the Respondent”)**

Tribunal Members:

Nairn Young (Legal Member)

Decision

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that**

- **Background**

This is an application for an order for possession of the Property, which is leased by the Applicant to the Respondent in terms of a short assured tenancy. It called for a case management discussion at 10am on 26 April 2019. Both the Applicant and the Respondent were present in person.

- **Findings in Fact**

The following facts were not in dispute:

1. The Respondent rented the Property from the Applicant in terms of a short assured tenancy commencing 10 June 2016 and running to 9 December 2016 (“the tenancy”). In terms of the agreement between the parties, the tenancy ran on thereafter on a month to month basis, until terminated.

2. On 18 October 2018, the Applicant served a notice to quit on the Respondent, giving notice that the tenancy would come to an end on 9 January 2019, along with a notice in terms of s.33(1)(d) of the Housing (Scotland) Act 1988 ('the Act').
3. Since the latter date, the Respondent has occupied the Property on the basis of a statutory assured tenancy and continues to do so.
 - Reasons for Decision
4. The tenancy has reached its end and tacit relocation is not operating. No further contractual tenancy is in existence. The relevant notice in terms of s.33(1)(d) of the Act has been given to the Respondent by the Applicant. An order for possession must therefore be made.
 - Decision

Order for possession of the Property 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.

Nairn Young

Legal Member/Chair

26 APRIL 2019

Date