



**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/18/1303**

**Re: Property at 385 Easter Road, Edinburgh, EH6 8HU (“the Property”)**

**Parties:**

**Mr Umran Akbar, 50 West Short Road, Edinburgh, EH5 1QH (“the Applicant”)**

**Ms Karen Hendry, 385 Easter Road, Edinburgh, EH6 8HU (“the Respondent”)**

**Tribunal Member:**

**Alan Strain (Legal Member)**

**Summary of Discussion and Reasons**

This is an application for eviction and recovery of possession in terms of section 33 of the Housing (Scotland) Act 1988 (**Act**) and Rule 66 of the Tribunal Procedure Rules.

The application was received by the Tribunal on 25 May 2018 with the accompanying documents:

- (i) Short Assured Tenancy Agreement signed and dated 28 September 2012 for the initial period 28 September 2012 to 3 April 2013 and continuing monthly thereafter;
- (ii) AT5 signed and dated 28 September 2018;
- (iii) Notice to Quit dated 15 February 2018 which specified 3 May 2018 as the date for removing;
- (iv) Section 33 Notice signed and dated 15 February 2018 which specified 3 May 2018 as the date for removing;
- (v) Certificate of Service by Sheriff Officers of the Notice to Quit and Section 33 Notice dated 16 February 2018; and
- (vi) Section 11 Notice to City of Edinburgh Council with email enclosing it dated 5 June 2018.

ALAN STRAIN

The case called for a Case Management Discussion (**CMD**) on 24 August 2018. There was no appearance by the Respondent and no written representations had been lodged by her. The Respondent had been notified by the Tribunal by letter of 24 July 2018 advising the date of the CMD, the requirement for her to attend and the fact that the Tribunal may decide the case in her absence.

Ms Caldwell, Solicitor, appeared for the Applicant. She invited the Tribunal to grant the order sought on the basis of the papers submitted.

The Tribunal considered the application and the supporting documents. The Tribunal had regard to the overriding objective and determined that it had sufficient information before it to grant the order for eviction and recovery of possession and that it was fair to do so.

### **Decision**

The Tribunal granted the order for eviction and 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.**

ALAN STRAIN

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**Legal Member**

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**Date**

*24 August 2018*