



**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/18/1309

Re: Property at 59 Tourhill Road, Kilmarnock, KA3 2BZ (“the Property”)

Parties:

**Mr Simon Wild, Mrs Arianna Wild, 213 Gledhill Avenue, Toronto, M4C 5K9,
Canada (“the Applicants”)**

**Mr Lee Shaun Strickland, 59 Tourhill Road, Kilmarnock, KA3 2BZ (“the
Respondent”)**

Tribunal Members:

Alastair Houston (Legal Member)

Decision (in absence of the Respondent)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that an order for possession of the property be made in
favour of the Applicants.**

1. Background

1.1 This is an application for an order for possession of a property upon termination of a Short Assured Tenancy. The application was accompanied by copies of the written tenancy agreement between the parties, notice to quit and notice in terms of Section 33 of the Housing (Scotland) Act 1988 (“the 1988 Act”), Form AT5, Form AT6 and notice to the local authority of the application under Section 11 of the Homelessness etc (Scotland) Act 2003.

2. The Case Management Discussion

2.1 The Case Management Discussion took place on the 11 October 2018. The Applicants were represented by Ms Oshodi of Clarity Simplicity Ltd. The Respondent was not present nor was he represented.

2.2 The Tribunal noted that Sheriff Officers had given notice of the Case Management Discussion to the Respondent in terms of the Chamber Rules. The Tribunal considered it appropriate to proceed with the Case Management Discussion in the absence of the Respondent.

2.3 Ms Oshodi confirmed that the application was insisted upon. The Tribunal noted that the Notice to Quit dated 19 February 2018 had been served on the Respondent by Sheriff Officers on 20 February 2018. It sought to terminate the tenancy agreement on 14 May 2018. The Tribunal noted that this was a valid *ish* date in terms of paragraph 1.4 of the written tenancy agreement.

2.4 The same document gave notice to the Respondent in terms of Section 33 of the 1988 Act. Accordingly, the required notice period of two months had been given.

3. Reasons For Decision

3.1 Under Section 33 of the 1988 Act the Tribunal is required to make an order for possession of the house if the Tribunal is satisfied, that the short assured tenancy has reached its *ish*, that tacit relocation is not operating and that the landlord has given to the tenant notice stating that he requires possession of the house.

3.2 In the present case, the requirements of Section 33 of the 1988 Act had been satisfied and the Tribunal was required to make an order for possession in favour of the Applicants.

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.

Alastair Houston

Legal Member/Chair

11 OCTOBER 2018

Date