

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

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**Decision with Statement of Reasons of the First-tier Tribunal for Scotland  
(Housing and Property Chamber) under Section 33(1) of the Housing  
(Scotland) Act 1988**

**Chamber Ref: FTS/HPC/EV/18/2061**

**Re: Property at 10/3 Morven Street, Edinburgh, EH4 7LQ (“the Property”)**

**Parties:**

**Mr Michael Barrett and Mrs Debbie Barrett, c/o and represented by D.J. Alexander Lettings Limited, 1 Wemyss Place, Edinburgh EH3 6DH (“the Applicant”)**

**Miss Amanda Henderson, 10/3 Morven Street, Edinburgh, EH4 7LQ (“the Respondent”)**

**Tribunal Members:**

**George Clark (Legal Member)**

**Decision (in absence of the Respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application should be decided without a hearing, that the application should be granted and that an Order for Possession of the Property should be made.**

**Background**

By application, received by the Tribunal on 10 August 2018, the Applicant sought an Order for Possession of the Property under Section 33 of the Housing (Scotland) Act 1988 (“the 1988 Act”). The application was accompanied by a tenancy agreement between the Parties, dated 5 August 2016, an AT5 Notice, also dated 5 August 2016, advising the Respondent that the tenancy agreement was a Short Assured Tenancy, a Notice to Quit dated 24 April 2018, requiring the Respondent to remove from the Property on 4 July 2018, and a Notice given under Section 33(1)(d) of the 1988 Act, also dated 24 April 2018, stating that the Applicant required possession of the Property on 4 July 2018. The tenancy agreement stated that the tenancy would commence on 5 August 2016 and end on 4 August 2017 and, if not brought to an

end by either party on the termination date, it would continue on a monthly basis until ended by either party.

By letter, dated 27 September 2018, the Tribunal advised the Parties of the date and place of a Case Management Discussion and invited the Respondent to make written representations by 10 October 2018. No written representations by the Respondent were received by the Tribunal.

### **Case Management Discussion**

A Case Management Discussion was held at George House, 126 George Street, Edinburgh on the afternoon of 12 October 2018. The Applicant's representative was present. The Respondent was neither present nor represented.

The Applicant's representative had nothing to add to the information provided in the application and supporting papers and requested that an Order for Possession be made without a hearing.

### **Reasons for Decision**

In terms of Regulation 17(4) of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017, the tribunal may do anything at a case management discussion which it may do at a hearing, including making a decision. The Tribunal was satisfied that it had before it all the information and evidence that it required to make a decision and that it would do so without a hearing.

The Tribunal was satisfied that the Short Assured Tenancy (the tenancy agreement) had reached its end (by service of the Notice under Section 33(1)(d) of the 1988 Act), that tacit relocation was not operating (as a Notice to Quit had been served on 24 April 2018), that no further contractual tenancy was for the time being in existence and that the Applicant had given to the Respondent notice stating that the Applicant requires possession of the Property. Accordingly, all the requirements set out in Section 33(1) of the 1988 Act had been met and the Tribunal was obliged to make an Order for Possession of the Property.

### **Decision**

The Tribunal determined to decide the application without a hearing, to grant the application and to make an Order for Possession of the Property.

### **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.**

George Clark

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**Legal Member/Chair**

12 October 2018  
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**Date**