



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland  
(Housing and Property Chamber) under Section 16 of the Housing (Scotland)  
Act 2014**

**Chamber Ref: FTS/HPC/EV/18/0630**

**Re: Property at 81 Moriston Court, Grangemouth, FK3 0JL (“the Property”)**

**Parties:**

**Mr Gareth Arnold, Apartment 128, 792 Wilmslow Road, Manchester, M20 6UG  
 (“the Applicant”)**

**Mrs Alison Martin, 81 Moriston Court, Grangemouth, FK3 0JL (“the  
Respondent”)**

**Tribunal Members:**

**Fiona Watson (Legal Member)**

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

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

- **Background**

An application was submitted to the Tribunal by the Applicant under Rule 66 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 on 15 March 2018.

- **Case Management Discussion**

A case management discussion took place on 14 June 2018. The Applicant appeared personally. There was no appearance by or on behalf of the Respondent.

The Applicant moved the Tribunal to grant the repossession order as sought. The Application was made in terms of section 33 of the Housing (Scotland) Act 1988. A Notice to Quit and notice under section 33 of the 1988 Act had been served on the Respondent. The tenancy had reached its term, tacit relocation was

not in operation and no further contractual tenancy was in existence. The Applicant submitted that the terms of section 33 of the 1988 Act had been complied with and the Order should be granted.

The Applicant advised the Tribunal by way of background that the Respondent had incurred rent arrears on and off since the start of her tenancy in 2007, and he had been giving her an opportunity to clear these following service of the notices. He understood that the Respondent was attempting to obtain alternative accommodation but as yet had not found any, and she remained resident in the Property.

- Findings in Fact

A Notice to Quit and notice in terms of section 33 of the Housing (Scotland) Act 1988 had been served on the Respondent by Sheriff Officer on 9 March 2016.

The Respondent had failed to remove from the Property.

- Reasons for Decision

The Tribunal was satisfied that the terms of section 33 of the Housing (Scotland) Act 1988 had been met. The short assured tenancy had reached its end, tacit relocation was not operating, no further contractual tenancy was in existence and a notice had been given to the tenant by the landlord stating that he requires possession of the house. The Tribunal was satisfied that the Applicant was thereby entitled to the order as sought.

- Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) granted an order against the Respondent for possession of the Property under section 33 of the Housing (Scotland) Act 1988.

## 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.**

**Since an appeal is only able to be made on a point of law, a party who intends to appeal the tribunal's decision may wish to request a Statement of Reasons for the decision to enable them to identify the point of law on which they wish to appeal. A party may make a request of the First-tier Tribunal for Scotland (Housing and Property Chamber) to provide written reasons for their decision within 14 days of the date of issue of this decision.**

**Where a Statement of Reasons is provided by the tribunal after such a request, the 30 day period for receipt of an application for permission to appeal begins on the date the Statement of Reasons is sent to them.**

F Watson<sup>A</sup>

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**Legal Member/Chair**

19/6/18.  
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**Date**