



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

**Chamber Ref: FTS/HPC/EV/18/0638**

**Re: Property at 96 Ashley Terrace, Alloa, FK10 2NA (“the Property”)**

**Parties:**

**Mrs Frances Roebuck, The Glebe Cottage, Rousay, Orkney, KW17 2PR (“the Applicant”)**

**Miss Zoe Heugh, 96 Ashley Terrace, Alloa, FK10 2NA (“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 16 March 2018.

- **Case Management Discussion**

A case management discussion took place on 14 June 2018. Philip Bonnar of Russel & Aitken solicitors appeared for the Applicant. There was no appearance by or on behalf of the Respondent.

Mr Bonnar 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. Mr Bonnar submitted that the Applicant was entitled to the order sought.

Mr Bonnar advised the Tribunal that the Respondent had incurred rent arrears, which had previously been cleared by her Guarantor. However, further arrears had been accrued again thereafter, and no rent had been paid since October 2017. The Applicant was not seeking a payment order from the Tribunal, however this background was given to the Tribunal to explain the necessity for service of the notices.

- 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 16 November 2017.

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

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**Legal Member/Chair**

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**Date**

14/6/18.