

**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 18 of the Housing (Scotland) Act 1988**

**Chamber Ref: FTS/HPC/EV/18/0480**

**Re: Property at Station Cottage, Ellon, AB41 8JQ (“the Property”)**

**Parties:**

**Mr Charles Buchan, Auchmacoy Estate Office, Ellon (“the Applicant”)**

**Mr Neal Dempster, Station Cottage, Ellon, AB41 8JQ (“the Respondent”)**

**Tribunal Members:**

**Graham Harding (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the applicant be granted an order to eject the Respondent(s) and family, servants, dependants, employees and others together with their goods, gear and whole belongings forth and from the Property at Station Cottage, Ellon, AB41 8JQ.**

**Background**

1. By application dated 22.02.18 the applicant applied to the Tribunal for an order to evict the respondent from the property on ground 8, 11 and 12 of the Housing (Scotland) Act 1988.
2. On 27<sup>th</sup> March 2018 a legal member of the Tribunal with delegated powers referred the application to a Tribunal and a Case Management Discussion was fixed to take place at Victoria Hall, Ellon on 5<sup>th</sup> June 2018.
3. The applicants representatives Raeburn, Christie, Clark and Wallace, 12-16 Albyn Place, Aberdeen made written representations to the Tribunal and their Mr Stuart Smith attended at the Case Management Discussion.

### **Case Management Discussion**

4. The Case Management Discussion took place on 5<sup>th</sup> June 2018. There was no attendance by the respondent. Mr Smith for the Applicant submitted that the short assured tenancy between the applicant and the respondent had been properly constituted, the respondent was in excess of 3 month arrears of rent, both at the time of serving the form AT6 and at the date of the case management discussion and therefor the terms of ground 8 had been established. Mr Smith referred the Tribunal to the report by Sherriff Officers confirming that the notice to quit and form AT6 had been properly served and that a section 11 notice had also been sent to Aberdeenshire Council.
5. Mr Smith advised the Tribunal that the respondent had vacated the property and returned the keys but had left some belongings in the property that the respondent had indicated he intended to collect and for that reason an order for ejection was still required in order that the property could be removed.

### **Findings in Fact**

6. The parties entered into a short assured tenancy agreement which ran from 1<sup>st</sup> November 2016 until 1<sup>st</sup> May 2017 and continued monthly thereafter until terminated.
7. The applicant representatives served a notice to quit and form AT6 on the respondent by Sherriff Officers on 30<sup>th</sup> January 2018. In form AT6 it was stated that grounds 8,11 and 12 of the Housing (Scotland) Act 1988 applied.
8. The applicant's representative sent a section 11 notice to Aberdeenshire Council on 22<sup>nd</sup> February 2018.

### **Reasons for Decisions**

9. There was no appearance by the respondent to oppose the application.
10. The applicant complied with all necessary requirements for possession of the property in terms of the Housing (Scotland) Act 1988 and is therefor entitled to the order sought.

### **Decision**

11. The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that the applicant be granted an order to eject the Respondent(s) and family, servants, dependants, employees and others together with their goods, gear and whole belongings forth and from the Property at Station Cottage, Ellon, AB41 8JQ.

### **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.

G Harding

Legal Member/Chair/

Date

5/6/18