



**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/21/2023

**Property:** Property at Lorimer Wing, Hallyburton House, Kettins, Blairgowrie, Perthshire PH13 9JR (“the Property”)

**Parties:** Hallyburton Estate Trust, Murray Beith Murray, 3 Glenfinlas Street, Edinburgh EH3 6AQ (“the Applicant”) represented by Mr Kevin Lancaster, Watson Lyall Bowie Solicitors, Union Bank Building, Coupar, Angus, Perthshire PH13 9AJ

Mr Mark Manders, Mrs Zoe Manders, Lorimer Wing, Hallyburton House, Kettins, Blairgowrie, Perthshire PH13 9JR (“the Respondent”)

**Tribunal Members:**

Mark Thorley (Legal Member)  
Gordon Laurie (Ordinary Member)

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

The First-tier Tribunal for Scotland (Housing and Property Chamber) “the tribunal” determined that an order for eviction should be granted.

**Background**

1. By application sent on 19 August 2021 the applicant sought an order under section 33 of the Housing (Scotland) Act 1988 in terms of rule 66 of the First-tier Tribunal for Scotland (Housing and Property Chamber) (Procedure) Regulations 2017.
2. Accompanying the application was a copy of the Notice to quit dated 23 June 2020 with proof of postage, copy Lease, copy AT6 dated 3 August 2021 with proof of postage, copy letter to tenants dated 3 August 2021, statement of arrears and Section 11 Notice.
3. The application was received on 23 August 2021. Further information was sought from the applicant on 6 September 2021. An amended application was returned to the tribunal dated 6 September 2021.
4. The tribunal acknowledged the further information on 14 September 2021.

5. Further information was sought by the tribunal on 1 October 2021 and that was subsequently sent and on 6 October 2021 the application was passed for determination as to whether it can be referred to the tribunal.
6. On 28 October 2021 the application was accepted for determination.

### **Case Management Discussion**

The case management discussion (CMD) took place by teleconference on 9 December 2021. The applicant was represented by Mr Kevin Lancaster. In attendance also were Mr Gemmell from Savills the letting agent. The respondents did not attend.

The tribunal sought certain further information from the solicitor which was provided.

### **Findings in Fact**

1. The applicant and respondent entered into a Tenancy Agreement on 1 February 2015.
2. The tenancy was short assured tenancy in terms of the Housing (Scotland) Act 1988.
3. The applicant's agent had sent a Notice to quit under section 33 of the Housing (Scotland) Act 1988 on 23 June 2020.
4. All other paperwork was in order.
5. An order for eviction could be granted.

### **Decision**

The tribunal accepted the written and oral evidence provided. There was no appearance by or for the respondents. There was no contradictor. No written submissions had been made.

The tribunal accepted the paperwork and the oral evidence and made an order for eviction.

### **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.**

Mark Thorley

9<sup>th</sup> December 2021

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Legal Member/Chair

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Date