



Statement of Decision 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/17/0457

Re: Property at 158 Haugh Street, Falkirk, FK2 7QT (“the Property”)

Parties:

Mr Juan Carlos Soto Soto, 136 Saughtonhall Drive, Edinburgh, EH12 5TT (“the Applicant”)

Miss Rebecca Gardiner, Mr Dylan Bain, 158 Haugh Street, Falkirk, FK2 7QT (“the Respondents”)

Tribunal Members:

Nicola Irvine (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application should be dismissed.

Background

The Applicant submitted an application seeking an order to evict the Respondents from the property at 158 Haugh Street, Falkirk, FK2 7QT. The Tribunal intimated the application to the Respondents on 9th January 2018 and advised them of the date, time and place of today’s case management discussion. In that letter, the Respondents were advised that any written representations they wishes to make should be sent to the Tribunal by 27th January 2018. No written representations were received by the Tribunal. The Applicant contacted the Tribunal on 8th February and advised that the Respondents moved out of the property on 2nd February 2018.

The Hearing

The hearing took place in the absence of the Respondents. The Applicant advised the Tribunal that he was no longer insisting on the application for eviction on the basis that he has recovered possession.

Findings in Fact:

1. The Applicant and the Respondent entered into a Tenancy Agreement dated 31st March 2017. The period of the lease was from 31st March 2017 to 1st October 2017. The rent payable was £450 per calendar month, payable in advance.
2. The Applicant's agent served Notice on the Respondents on 15th September 2017 of his intention to bring the tenancy to an end and recover possession of the property (in terms of Section 33 of the Housing (Scotland) Act 1988. The Applicant's agent served a Notice to Quit on 15th September 2017 indicating that the Respondents required to remove from the property by 1st December 2017.
3. The Respondents vacated the property on 2nd February 2018 and the Applicant has now recovered possession.

Reason for Decision

The Tribunal proceeded on the basis of the written documents which were before it. The Applicant invited the Tribunal to dismiss the application.

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.

Where such an appeal is made, the effect of the decision and of any order is suspended until the appeal is abandoned or finally determined by the Upper Tribunal, and where the appeal is abandoned or finally determined by upholding the decision, the decision and any order will be treated as having effect from the day on which the appeal is abandoned or so determined.

N Irvine

Legal Member/Chair

_____ 12.02.18 _____
Date