

Housing and Property Chamber
First-tier Tribunal for Scotland



**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/18/0430

Re: Property at 7 Rowan Terrace, Cowdenbeath, KY4 9JZ (“the Property”)

Parties:

**Mr John Celentano, Mrs Irene Celentano, Old Mains Cottage, Sanquhar, DG4
6LB (“the Applicants”)**

**Mrs Bernadette Celentano or Celentano Morgan, 7 Rowan Terrace,
Cowdenbeath, KY4 9JZ (“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 an order is granted against the Respondent for
possession of the Property under section 18 of the Housing (Scotland) Act
1988.**

An application was received dated 15 February 2018 and made under Rule 65 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017. The application was subsequently amended and submitted under Rule 66 of the said Regulations and which was dated 9 November 2018. The amended application sought an order for repossession at the termination of a short assured tenancy.

A Case Management Discussion took place on 24 January 2019. Ms Morton of Stevenson Marshall solicitors appeared on behalf of the Applicants. There was no appearance by or on behalf of the Respondent. The Respondent had called the Tribunal office prior to the Case Management Discussion to advise that they would be unable to attend the Case Management Discussion due to a family bereavement. No postponement request was made by them.

Ms Morton sought an order for repossession of the property. A Notice to Quit and notice under section 33 of the Housing (Scotland) Act 1988 had been served on the Respondent requiring them to remove from the property by 1 October 2018. They has failed to do so. An order for repossession was accordingly necessary.

The Tribunal was satisfied that the terms of section 33 of the 1988 Act had been met, namely that:

- The tenancy had reached its' ish
- There was no further contractual tenancy entered into between the parties
- Tacit relocation was not operating
- A notice had been served on the respondents under section 33 of the 1988 Act

The Tribunal determined that an order is granted against the Respondent for possession of the Property under section 18 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.

F Watson

Legal Member/Chair

24/1/19

Date