



**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/18/1757**

**Re: Property at 13 Maule Street, Carnoustie, Angus, DD7 7AP (“the Property”)**

**Parties:**

**Mr David Hood, Mrs Evelyn Hood, c/o Westburn Services, 124 King Street,  
Broughty Ferry, DD5 1EW; c/o Westburn Services, 124 King Street, Broughty  
Ferry, Dundee, DD5 1EW (“the Applicants”)**

**Mr Ryan Hay, 13 Maule Street, Carnoustie, Angus, DD7 7AP (“the  
Respondent”)**

**Tribunal Member:**

**Neil Kinnear (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the  
Tribunal”) determined that**

**Background**

This is an application dated 9<sup>th</sup> July 2018 brought in terms of Rule 66 (Application for order for possession upon termination of a short assured tenancy) of *The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017* as amended.

The Applicant provided with its application copies of the short assured tenancy agreement, form AT5, Notice to Quit, Section 33 notice, Section 11 notice, and relevant executions of service.

All of these documents and forms had been correctly and validly prepared in terms of the provisions of the *Housing (Scotland) Act 1988*, and the procedures set out in that Act had been correctly followed and applied.

The Respondent had been validly served by sheriff officers with the notification, application, papers and guidance notes from the Tribunal on 29<sup>th</sup> October 2018, and I was provided with the execution of service.

### **Case Management Discussion**

A Case Management Discussion was held on 20<sup>th</sup> November 2018 at Hilltown Community Centre, 15 Alexander Street, Dundee. The Applicant did not appear, but was represented by Mr Ramsay. The Respondent did not appear, nor was he represented. The Respondent has not responded to this application at any stage either in writing or by any other form of communication.

I was invited by Mr Ramsay with reference to the application and papers to grant the order sought.

### **Statement of Reasons**

In terms of Section 33 of the *Housing (Scotland) Act 1988*, the Tribunal shall make an order for possession of the house let on the tenancy if:

- (a) the short assured tenancy has reached its end;
- (b) tacit relocation is not operating;
- (c) no further contractual tenancy (whether a short assured tenancy or not) is for the time being in existence; and
- (d) the landlord has given to the tenant notice stating that he requires possession of the house.

All of the above criteria have been satisfied in this application, and accordingly the Tribunal shall make an order for possession.

### **Decision**

In these circumstances, I will make an order for possession of the house let on the tenancy as sought in this 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.

N Kinnear

Legal Member/Chair

20/11/18

Date