



**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 (Act)**

Chamber Ref: FTS/HPC/EV/19/0341

Re: Property at 14 Colinton Mains Drive, Edinburgh, EH13 9AH (“the Property”)

Parties:

**Mactaggart & Mickel Homes Limited, c/o DJ Alexander Lettings Ltd, 1 Wemyss
Place, Edinburgh, EH3 6QZ (“the Applicant”)**

**Miss Natasha Foley, Mr James Neill, 14 Colinton Mains Drive, Edinburgh, EH13
9AH (“the Respondent”)**

Tribunal Members:

Alan Strain (Legal Member)

Decision

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that the order for eviction/recovery of possession be
granted.**

Background

This is an application for eviction/recovery of possession in respect of a Short Assured Tenancy under section 33 of the Act and Rule 66 of the Tribunal Procedure Rules.

The following documents were lodged with the application:

1. Application dated 1 February 2019;
2. Short Assured Tenancy (SAT) dated 22 August 2014;
3. AT5s dated 22 August 2014;
4. Section 33 Notices dated 2 November 2018;
5. Notices to Quit dated 2 November 2018;
6. Sheriff Officer’s Certificate of Service of section 33 and Notice to Quit;
7. Section 11 Notice;

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8. Statement of Rent Arrears as at 11 April 2019.

Case Management Discussion (CMD)

The case called for a CMD on 1 May 2019. The Applicant was represented. The Respondent appeared personally. Mr Neil advised he had authorisation to appear on behalf of Ms Foley.

It was agreed between the Parties that the tenancy was an SAT, that the section 33 and Notice to Quit had been validly served as had the section 11 Notice.

The Tribunal enquired whether or not the rent arrears had been due to failure to pay or delay in paying housing benefit. Mr Neil confirmed an application had been made in February 2019 and he was awaiting a determination but that it would not cover the full arrears.

In light of the fact that the tenancy was an SAT and the relevant notices had been validly served that Tribunal had no option other than to grant the order sought. The tribunal was satisfied that it had sufficient information to do so and it was fair in the circumstances.

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.

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Legal Member/Chair

Date

1 May 2019

*Insert or Delete as required