



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Rule 26 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017.**

Chamber Ref: FTS/HPC/EV/19/1428

Re: 2 Sidney Street, Saltcoats, KA21 5DD("the Property")

Parties:

Ralph Tennent ("the Applicant ")

Riteholme Limited ('The Applicants' Representative')

Brian McGregor and Kathryn Williams ("the Respondents")

Tribunal Member: Jacqui Taylor (Legal Member)

The Tribunal rejects the application by the Applicant made under Tribunal Rule 66 seeking an Order for Possession/ Eviction in terms of section 33 of the Housing (Scotland) Act 1988.

The application is seeks an Order for Possession/ Eviction in relation to a Short Assured Tenancy between the parties for the period 6<sup>th</sup> November 2013 to 6<sup>th</sup> May 2014 and monthly thereafter.

The Applicant attempted to serve the Respondents with Notices to Quit and section 33 Notices (requiring the Respondents to vacate the Property on or before 6<sup>th</sup> May 2019) by special delivery on 6<sup>th</sup> March 2019. The special delivery letters were never called for by the Respondents. Service was not effected.

The Applicant's representative state that they hand delivered the said Notices to Quit and section 33 Notices on 9<sup>th</sup> April 2019. The Tribunal believe that service of the said notices by hand delivery is not effective service. However, even if they are incorrect on this point, the required two months notice would not have been given to the Respondents following hand delivery on 9<sup>th</sup> April 2019.

Accordingly the Tribunal determine that they have good reason to believe that it would not be appropriate to accept the application and reject the application in terms of rule 8 (1)(c) of the Tribunal Rules.

**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**

**J Taylor**

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.....Legal Member

Date: 20<sup>th</sup> May 2019