



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/19/1978

Re: Property at 14/7 Seafield Street, Edinburgh, EH6 7LG (“the Property”)

Parties:

Hillcrest Enterprises Ltd, 1 Explorer Road, Dundee, DD2 1EG (“the Applicant”)

Mr Rodger Jackson, 14/7 Seafield Street, Edinburgh, EH6 7LG (“the Respondent”)

Tribunal Members:

Yvonne McKenna (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to grant an order for recovery of possession

BACKGROUND

1. By application received on 26th June 2019 the Applicant sought an order for recovery of possession in respect of the Property in terms of section 33 of the Housing (Scotland) Act 1988.
2. The present application was heard jointly with a second application seeking payment of outstanding rent arrears at the Property.
3. The Applicant lodged with the application a copy rent statement, copy lease, copy AT5, copy Notice to Quit and copy section 33 Notice together with proof of service of the notices. A section 11 Notice in terms of the Homelessness etc (Scotland) Act 2003 was also provided.

THE CASE MANAGEMENT HEARING

4. The Respondent was not present. The Applicant was represented by Ms. Nicola Caldwell. She stated that the Respondent had not adhered to the terms of a repayment arrangement regarding rent arrears.
5. The Applicant confirmed that the notices had been served as required.

FINDINGS IN FACT

6. Parties entered into a short assured tenancy in respect of the Property.
7. The lease commenced on 28th March 2017. The initial term of the lease was for 6 months. Thereafter the lease continued on a monthly basis.
8. The rent payable in terms of the lease was £568.89 per month.
9. A valid AT5 was provided to the Respondent prior to the commencement of the lease.
10. The Applicant had served a valid section 33 Notice and Notice to Quit on the Respondent.

REASONS FOR THE DECISION

11. In terms of section 33 if the Applicant has served a valid Notice to Quit and section 33 Notice then the Tribunal must grant the order sought. The Tribunal had regard to the paperwork lodged with the application and the representations made. The Tribunal was satisfied that the notices were correct and in the circumstances must grant the order sought.

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.

Yvonne McKenna
Legal Member/Chair

_____ 27th November 2019