



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/19/1931

Re: Property at 237 Pittencrieff Street, Dunfermline, Fife, KY12 8AW (“the Property”)

Parties:

Kingdom Initiatives Limited, Saltire Centre, Pentland Court, Glenrothes, KY6 2DA (“the Applicant”)

Miss Lisa Black, 237 Pittencrieff Street, Dunfermline, Fife, KY12 8AW (“the Respondent”)

Tribunal Member:

George Clark (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application should be granted without a hearing and made an Order for Possession of the Property.

Background

By application, received by the Tribunal on 21 June 2019, the Applicant sought an Order for Possession of the Property under Section 33 of the Housing (Scotland) Act 1988 (“the 1988 Act”). The application was accompanied by copies of a Short Assured Tenancy Agreement between the Parties, commencing on 15 March 2017 and, if not terminated on 28 September 2017, continuing on a month to month basis thereafter, a Notice to Quit and a Form AT6 Notice under Section 33 of the 1988 Act, both dated 28 March 2019, with evidence of service of both Notices by sheriff officer on 28 March 2019. Both Notices required the Respondent to vacate the Property by 28 May 2019.

On 12 July 2019, the Tribunal advised the Parties of the date, time and venue for a Case Management Discussion and the Respondent was invited to make written representations by 5 August 2019. The Respondent did not make any written representations to the Tribunal.

Case Management Discussion

A Case Management Discussion was held at Fife Voluntary Action, 16 East Fergus Place, Kirkcaldy on the morning of 21 August 2019. Mrs Agnes Murray and Miss Eilidh McNally, both Senior Customer Accounts Advisors with Kingdom Housing Association Limited were present and the Applicant was represented by Mr Neil Casey of Shepherd and Wedderburn solicitors, Glasgow. The Respondent was not present or represented. The Applicant's representative asked the Tribunal to make an Order for Possession of the Property without a hearing.

Reasons for Decision

Rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 states that the Tribunal may do anything at a Case Management Discussion which it may do at a hearing, including making a decision. The Tribunal was satisfied that it had before it all the information and documentation it required and that it would determine the application without a hearing.

Section 33 of the 1988 Act provides that the Tribunal shall make an Order for Possession of a house let on a Short Assured Tenancy if it is satisfied that the Short Assured Tenancy has reached its end, that tacit relocation is not operating, that no further contractual tenancy is for the time being in existence and that the landlord has given to the tenant notice stating that the requires possession of the house.

The Tribunal was satisfied that the Short Assured Tenancy had reached its end that, by service of the Notice to Quit, tacit relocation was not operating, that no further contractual tenancy was for the time being in existence and that the Notice specified in Section 33 of the 1988 Act (the Form AT6 Notice) had been given. The requirements of Section 33 of the 1988 Act had, therefore, been met and the Tribunal was bound to grant an Order for Possession of the Property.

Decision

The Tribunal determined that the application should be granted without a hearing and made an Order for Possession of the Property.

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.

George Clark
Legislator/Member/Chair

21 August 2019
Date