



**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/20/0034

**Re: Property at 97a Main Street, Townhill, Dunfermline, Fife, KY12 0EN (“the
Property”)**

Parties:

**Mr Alastair Barclay, Mrs Elaine Barclay, Smiddy House, Shiresmill, Blairhall,
Dunfermline, Fife, KY12 8ER; Smiddy House, Shiresmill, Blairhall, Fife, KY12
8ER (“the Applicant”)**

**Mr Stuart Adamson, 97a Main Street, Townhill, Dunfermline, Fife, KY12 0EN
 (“the Respondent”)**

Tribunal Members:

Gabrielle Miller (Legal Member)

Decision

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

Background

1. This is an application in terms of Rule 66 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”). The Applicant is seeking an order for recovery of possession in terms of section 33 of the Act. An application was received by the Housing and Property Chamber dated 9th January 2020.
2. This case should be read in conjunction with FTS/HPC/CV/20/0094.

3. The case was originally to be heard on 6th April 2020 but was postponed due to Covid 19 reasons. A new hearing date was set for 17th July 2020 to be conducted by teleconferencing due to Covid 19 restrictions.

Case Management Discussion

4. A Case Management Discussion (“CMD”) was held on 17th July 2020 at 10am by teleconference due to Covid 19 restrictions. The Applicant represented themselves and both attended. The Respondent represented himself and was present. The Respondent did not make representations in advance of the hearing. The Respondent informed the Tribunal that he did not remember receiving the documentation. It was served on him in June 2019 and he simply did not remember due to the time since service. He did not dispute that he received the documentation. He did not dispute the granting of the eviction order as he had no grounds to do so.

Findings in Fact

5. The parties entered into a Short Assured Tenancy on 25th September 2012 for a 6 months period until 25th March 2013 and on a month to month basis thereafter. The lease was signed on 25th September 2012. An AT5 was signed by both parties on the same date as the lease. The rent payments of £360 and due by the 25th day of each month.
6. The Housing and Property Chamber received an Application date 9th January 2020.

Reasons for Decision

7. The Tribunal was satisfied that there were no other issues of reasonableness before it and that the notices had been served in an appropriate manner and that a Short Assured Tenancy had been entered into by the parties. Given this the Tribunal was satisfied all appropriate paperwork had been served the Order for repossession was granted.

Decision

8. The Applicant is entitled to for an Order of for recovery of possession.

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.

Gabrielle Miller

17th July 2020

Legal Member/Chair

Date