



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/21/0717

Re: Property at 30 Craig View, Springside, North Ayrshire, KA11 3AA (“the Property”)

Parties:

Mr Peter Fisher, Christina Hilltop, Apartment 18 Agais Photinis Street, Block A Level 1 No1, Peyia, Paphos, Cyprus (“the Applicant”)

Ms Ashley Nixon, 30 Craig View, Springside, North Ayrshire, KA11 3AA (“the Respondent”)

Tribunal Members:

Mark Thorley (Legal Member) and Ann Moore (Ordinary Member)

Decision (in absence of the Respondent)

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

Background

The applicant applied to The First-tier Tribunal for Scotland (Housing and Property Chamber) under rule 66. The application was dated 22 March 2021. Accompanying the application was a copy of the Tenancy Agreement, AT5, Rent Statement, Notice to Quit, Section 33 Notice and Section 11 Notice to the Local Authority.

The application was acknowledged by letter dated 23 March 2021. The application was accepted on 31 March 2021 and on 14 April 2021 intimation of the proceedings was given to the respondent.

Case Management Discussion

Mrs Susan Allan from Secure Lettings (Ayrshire) attended on the teleconference on behalf of the applicant. There was no attendance by or for the respondent.

Mrs Allan was able to confirm that the respondent was still in occupation of the property.

Findings in Fact

1. The parties entered into a Short Assured Tenancy dated 15 September 2016 for the property at 30 Craig View, Springside, North Ayrshire KA11 3AA.
2. The date of entry under the Lease was 10 October 2016 and rent was due to be paid at the rate of £392.32 per four weeks.
3. The applicant issued a Notice to Quit to the respondent requiring possession of the property and dated 3 September 2020.
4. The Notice has expired.
5. There were no representations made by the respondent either in writing or verbally.

Reasons for Decision

All the paperwork provided by the applicant was in order. All procedures had been gone through. They were all correct in their format. The respondent had not in any way responded to matters. The Tribunal accepted the written and oral evidence as provided.

Decision

To grant an order for eviction of the respondent.

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.

Mark Thorley

17 May 2021

Legal Member/Chair

Date

