

Housing and Property Chamber
First-tier Tribunal for Scotland



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/21/0833

Re: Property at 11 Kings Cross Road, Aberdeen, AB15 6BE (“the Property”)

Parties:

Mr George Jamieson, 6 Maryville Park, Aberdeen, AB15 6DU (“the Applicant”)

Mrs Annette Masson, 11 Kings Cross Road, Aberdeen, AB15 6BE (“the Respondent”)

Tribunal Members:

Andrew McLaughlin (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

Background

The Applicant seeks an Eviction Order under s33 of the Housing (Scotland) Act 1988. The Application was accompanied by a s33 Notice and Notice to Quit which sought to bring the tenancy to an end on 1 April 2021. This date coincided with the ish date of the tenancy and also provided the requisite 6 month period of notice as per the relevant implications of the Coronavirus (Scotland) Act 2020. Notice had also been given to the local authority as per s 11 of the Homelessness etc. (Scotland) Act 2003.

The Case Management Discussion

The Application called alongside the related case of FTS/HPC/CV/21/0467 which related to a Payment Order. Details of the Case Management Discussion and information about

how to join the conference call had been served on the Respondent by Sheriff Officers on 6 May 2021. Mr Jamieson was present on the call but there was no appearance by or on behalf of the Respondent. The Tribunal decided that the Respondent had had fair notice of the Hearing and proceeded with the Case Management Discussion.

The Tribunal conducted an exercise in determining whether it was reasonable for any Eviction Order to be granted and heard from Mr Jamieson in this regard and asked questions. The Tribunal also considered the text messages and other documentation produced with the Application.

Having done so, the Tribunal made the following findings in fact.

Findings in Fact

- I. *The parties entered into a Short Assured Tenancy in respect of the Property;*
- II. *The Applicant is the landlord and the Respondent is the tenant;*
- III. *The Applicant validly brought the tenancy to an end by service of a Notice to Quit and s33 Notice which brought the tenancy to an end on 1 April 2021;*
- IV. *The Applicant has made significant efforts to engage with the Respondent about rent arrears which the Respondent has accrued at the Property;*
- V. *The Applicant has proposed reduced rent payments but these offers have gone unacknowledged;*
- VI. *When the Applicant has attended at the Property to try and speak to the Respondent, he has been given short shrift by the Respondent who has made no effort to engage with the Applicant;*
- VII. *The Applicant has gone to significant lengths to try and resolve matters with the Respondent, but the Respondent has made no attempt to cooperate.*
- VIII. *It is reasonable that the Eviction Order is made.*

Reasons for Decision

Having made the above findings in fact, the Tribunal decided to grant the Eviction Order.

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.

A. McLaughlin

Legal Member:

Date: 24/05/2021