



**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/22/2269**

**Re: Property at 21 Hayfield Terrace, Head of Muir, Denny, FK6 5LA (“the Property”)**

**Parties:**

**Mr Dharendra Haribhai Solanki, Mrs Judith Dubois Solanki, 50 Laxdale Drive, Denny, FK6 5PR (“the Applicants”)**

**Mr Gary Clark, Mrs Natalie Clark, 4 Crathie Drive, Denny, FK6 6HN (“the Respondents”)**

**Tribunal Members:**

**Nairn Young (Legal Member) and Elizabeth Currie (Ordinary Member)**

**Decision (in absence of the Respondents)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that**

- Background

This is an application for an order for possession of the Property which is let by the Applicants to the Respondents in terms of an assured tenancy. It called for a case management discussion (‘CMD’) at 2pm on 18 October 2022, by teleconference.

The Applicants were represented on the call by Ms Donnelly of TC Young, solicitors. The Respondents did not call in and were not represented. The commencement of the CMD was delayed by 10 minutes to allow for any technical difficulty they may have been experiencing, but there was not contact from her.

Notice of the CMD was served on the Respondents by sheriff officers on 1 September 2022. The Tribunal were satisfied that the Respondents were aware of the CMD, but had chosen not to attend, and that it was therefore fair to proceed in their absence.

- Findings in Fact or in Fact and Law
  1. The Respondents let the Property from the Applicants in terms of a short assured tenancy with a date of entry of 21 June 2012.
  2. The initial term of the tenancy was 6 months.
  3. Following expiry of the initial term, the lease ran on by tacit relocation in a succession of 6-month periods.
  4. The Applicants served a notice to quit on the Respondents on 1 April 2022 by sheriff officers, bringing the contractual tenancy to an end on 20 June 2022.
  5. Also on 1 April 2022, the Applicants served a notice under s.33 of the Housing (Scotland) Act 1988 ('the Act') on the Respondents by sheriff officers, requiring them to remove from the Property on 20 June 2022.
  6. On 8 July 2022, the Applicants served a notice on the local authority in terms of s.11 of the Homelessness etc. (Scotland) Act 2003.
  7. The Respondents have left the Property, but have not returned their keys or confirmed that they have vacated it on a permanent basis.
  8. It is reasonable to grant an order for possession.
- Reasons for Decision
  9. The requirements of s.33 of the Act are met. There does not appear to be any prejudice to the Respondents in granting the order and the Applicants require it in order to be certain that they can recover possession of the Property legally. The order should therefore be made.

- Decision

**Order for possession granted.**

**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.**

# N Young

---

**Legal Member: Mr Nairn Young**

---

**Date: 18/10/2022**