



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/20/0642

Re: Property at 2 Sandyhillocks Cottages, Farnell, DD9 6UJ (“the Property”)

Parties:

Mr Alan Taylor, Mrs Helen Taylor, East Mains of Balgavies, Forfar, DD8 2TU (“the Applicants”)

Mr Graeme Walls, 2 Sandyhillocks Cottages, Farnell, DD9 6UJ (“the Respondent”)

Tribunal Members:

John McHugh (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for possession of the Property should be made in favour of the Applicants.

Background

The Applicants are the landlord and the Respondent the tenant of the property in terms of a short assured tenancy agreement dated 12 January 2017. The Applicants seek possession of the Property on the basis that the tenancy has reached its termination date.

The Case Management Discussion

A Case Management Discussion took place by way of telephone conference on 16 December 2020. The Applicants were represented by Lee Corr, solicitor. The Respondent was neither present nor represented. The Tribunal has received no contact from the Respondent.

Findings in Fact

The Applicants are the landlord and the Respondent the tenant of the property in terms of a short assured tenancy agreement dated 12 January 2017.

The short assured tenancy agreement provided for an initial term of six months with the lease renewing for a rolling period of two months thereafter.

The Applicants served Notice to Quit and a notice under section 33 dated 19 November 2019 on the Respondent on 20 November 2019 requiring him to vacate the Property by 14 February 2020.

The Respondent has not removed.

The tenancy reached its ish on 14 February 2020.

Reasons for Decision

The tenancy has reached its ish. Tacit relocation is not operating and no contractual tenancy is in existence. The Applicants have given the Respondent the notice required by section 33(1)(d) of the 1988 Act. In the circumstances, the Tribunal is obliged to make the order for possession.

Decision

An Order for Possession of the Property will be made in favour of the Applicants.

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.

John McHugh

John McHugh, Legal Member/Chair

16 December 2020
Date

