



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 (“the Act”) and the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”)

Chamber Ref: FTS/HPC/EV/20/1521

Re: Property at 76 Hillwood Rise, Edinburgh, EH28 8QD (“the Property”)

Parties:

Ms Gillian Anderson, c/o Cornerstone Letting, 21 Landsdowne Crescent, Edinburgh, EH12 5EH (“the Applicant”) its agents, T.C. Young, solicitors, 7 West George Street, Glasgow G2 1BA

Ms Sarah Janice Doig, 76 Hillwood Rise, Edinburgh, EH28 8QD (“the Respondent”)

Tribunal Members:

Karen Moore (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 be granted.

1. By application received on 16 July 2020 (“the Application”), the Applicant’s Agents on behalf of the Applicant made an application to the First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Chamber”) for a possession order in terms of Section 33 of the Act. The Application comprised an application form, copy short assured tenancy agreement, copy notice to quit terminating the tenancy at the ish date of 4 May 2020 and copy notice to City of Edinburgh Council, being the relevant local authority, in terms of Section 11 of the Homelessness (Scotland) Act 2003.

2. On 12 August 2020, a legal member of the Chamber with delegated powers of the Chamber President accepted the Application and a Case Management Discussion (“CMD”) was fixed for 1 October 2020 at 10.00 by telephone conference call. The Application was intimated to the Respondent by Sheriff Officer service on 4 September 2020. The CMD was intimated to both Parties.

Case Management Discussion

3. The CMD took place on 1 October 2020 at 10.00 by telephone. The Applicant did not take part and were represented by Ms. Caldwell of the Applicant’s Agents. The Respondent was not present and not represented.
4. Ms. Caldwell confirmed the Order sought.

Findings of the Tribunal.

5. From the Application and the CMD, the Tribunal found the following facts to be established: -
 - i) There is a short assured tenancy agreement between the Parties;
 - ii) A competent notice to quit was served on the Respondent bringing the tenancy to an end on 4 May 2020;
 - iii) Tacit relocation is not operating;
 - iv) Notice to the City of Edinburgh Council, being the relevant local authority, in terms of Section 11 of the Homelessness (Scotland) Act 2003, had been given.

Decision of the Tribunal and Reasons for the Decision.

6. The Tribunal had regard to section 33 of the Act which sets out the steps which a landlord must take to bring an application for termination of a short assured tenancy to an end and determined that the Applicant had complied with these requirements.
7. Accordingly, having been satisfied that the Applicant had complied with these requirements, the Tribunal was obliged to grant an order.
8. The Tribunal then had regard to Rule 17(4) of the Rules which states that the Tribunal “may do anything at a case management discussionincluding making a decision” and so proceeded to make an order for possession to come into effect no sooner than thirty days from the date hereof, being 1 November 2020.

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.

K Moore

Legal Member/Chair

1 October 2020