



**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/19/2811**

**Re: Property at 88 Cambusdoon Place, Kilwinning, Ayrshire, KA13 6SN (“the  
Property”)**

**Parties:**

**Steven Easton Residential Limited, 2 Newfield Drive, Dundonald, Ayrshire, KA2  
9EW (“the Applicant”)**

**Ms Melissa Maryann Tudhope, 88 Cambusdoon Place, Kilwinning, Ayrshire,  
KA13 6SN (“the Respondent”)**

**Tribunal Members:**

**Mary-Claire Kelly (Legal Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the  
Tribunal”) determined to grant an order for recovery of possession.**

**Background**

1. By application received on 9th September 2019 the applicant sought an order for recovery of possession in respect of the property in terms of section 33 of the Housing (Scotland) Act 1988.
2. The present application was heard jointly with a second application seeking an eviction order in terms of section 18 of the Act (FTS/EV/19/2814) and an application seeking payment of outstanding rent arrears at the property (FTS/HPC/CV/19/2814).
3. The applicant lodged with the application a copy rent statement, copy lease, copy AT5, copy notice to quit and copy section 33 notice, together with proof of service of the notices.
4. The Hearing

The respondent confirmed that the tenancy agreement lodged by the applicant was valid. She confirmed that she had moved into the tenancy on 16th June 2016. She confirmed that she had received a form AT5 prior to the commencement of the tenancy.

5. The applicant confirmed that the notices had been served as required.

Findings in fact.

6. Parties entered into a short assured tenancy in respect of the property.
7. The lease commenced on 15th June 2016. The initial term of the lease was for six months. Thereafter the lease continued on a monthly basis.
8. The rent payable in terms of the lease was £500 per month.
9. A valid AT5 was provided to the respondent prior to the commencement of the lease.
10. The applicant had served a valid section 33 notice and notice to quit on the respondent.

Reasons for the decision

11. In terms of section 33 if the applicant has served a valid notice to quit and section 33 notice then the Tribunal must grant the order sought. The Tribunal had regard to the paperwork lodged with the application and the representations of parties. The Tribunal was satisfied that the notices were correct and in the circumstance must grant the order sought.

### 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.**

Mary-Claire Kelly

Legal Member/Chair

Date

11<sup>th</sup> November 2011