



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/19/2816

Re: Property at 26/7 Hailesland Gardens, Edinburgh, EH14 2QD (“the Property”)

Parties:

Red Box Property Ltd, 24 Stewartfield, Edinburgh, EH6 5RQ (“the Applicant”)

Mr Gordon Cruickshank, 26/7 Hailesland Gardens, Edinburgh, EH14 2QD (“the Respondent”)

Tribunal Members:

Nairn Young (Legal Member)

Decision

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

- Background

This is an application for recovery of possession of the Property, which is let to the Respondent by the Applicant in terms of a short assured tenancy. It called for a case management discussion at 11:30am on 29 November 2019. The Applicant was represented by Mr Graham Morris. The Respondent was present in person.

- Findings in Fact

There was no dispute between the parties on the relevant facts, as follows:

1. The Applicant lets the Property to the Respondent in terms of a short assured tenancy dated 25 July 2019. Its initial term ran from 27 July 2016 to 28 January 2017 and thereafter from month to month until terminated by either party.

2. The Applicant served a notice to quit on the Respondent on 28 February 2019 by sheriff's officers, bringing the tenancy to an end on 28 April 2019. A notice in terms of s.33(1)(d) of the Housing (Scotland) Act 1988 ('the Act') was served at the same time, giving notice that possession of the Property was required by the Applicant on termination of the tenancy.

- Reasons for Decision

3. The short assured tenancy has reached its end. Tacit relocation is not operating. There is no further contractual tenancy in existence between the parties. The correct notice under s.33(1)(d) of the Act has been given. The Tribunal must therefore make an order for possession, in terms of s.33 of the Act.

- 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.

Nairn Young

Legal Member/Chair

29 NOVEMBER 2019

Date