

Housing and Property Chamber
First-tier Tribunal for Scotland



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 (Act)

Chamber Ref: FTS/HPC/EV/18/2468

Re: Property at 27/5 Westfield Road, Edinburgh, EH11 2QW (“the Property”)

Parties:

Meadows Letting, 111 Dalry Road, Edinburgh, EH11 2DR (“the Applicant”)

Ms Alicja Drag, 27/5 Westfield Road, Edinburgh, EH11 2QW (“the Respondent”)

Tribunal Members:

Alan Strain (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the order for eviction/recovery of possession be granted.

Background

This is an application for eviction/recovery of possession in respect of a short assured tenancy in terms of section 33 of the Act and Rule 66.

The Tribunal had regard to the following documents:

1. Application received 26 September 2018;
2. Tenancy Agreement dated 14 November 2017;
3. Schedule of Rent Arrears as at 14 August 2018;
4. AT5 dated 14 November 2017;
5. Section 33 Notice dated 14 May 2018;
6. Notice to Quit dated 14 May 2018;
7. Section 11 notice;
8. Sheriff Officer certificate of service of Notice to Quit and Section 33 Notice dated 14 May 2018.

Mr Alan Strain

Case Management Discussion (CMD)

The case called for a CMD on 5 March 2019. The Applicant appeared and was represented. There was no appearance by the Respondent and the Respondent was not represented.

The Tribunal were satisfied that service of the notification of the CMD had been made personally upon the Respondent by Sheriff Officers. The Tribunal had regard to the Certificate of Service.

The Tribunal considered it was fair and appropriate to proceed with the CMD.

So far as material the Tribunal made the following findings in fact:

1. The Parties entered in to a Short Assured Tenancy (**SAT**) dated 14 November 2017;
2. The monthly rent was £650;
3. As at 14 August 2018 the rent was in arrears to the sum of £5,850.00;
4. Section 33 Notice had been served on 14 May 2018;
5. Notice to Quit had been served on 14 May 2018;
6. The SAT had been validly terminated;
7. Section 11 Notice had been served on the relevant local authority.

The Tribunal considered the papers lodged and were satisfied that the grounds for eviction/recovery of possession were established. The Tribunal had sufficient information upon which to make a Decision and considered it fair to do so.

The Tribunal accordingly granted 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.

Mr Alan Strain

Legal Member/Chair

5 March 2019
Date