

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 51 of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/EV/18/1484

Re: Property at Flat 3/2 49F Meadowside, Dundee, DD1 1EQ (“the Property”)

Parties:

Mr Sean Gordon Lewis, Mrs Maureen Leslie Lewis, 171 Perth Road, Perth, DD2 1AS; 171 Perth Road, Dundee, DD2 1AS (“the Applicants”)

Ms Jennifer Campbell, Flat 3/2 49 Meadowside, Dundee, DD1 1EQ (“the Respondent”)

Tribunal Members:

Richard Mill (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 recovery of possession of the Property at Flat 3/2 49F Meadowside, Dundee, DD1 1EQ be made in favour of the Applicant landlord. An Eviction Order is made against the Tenant.

Background

The parties entered into a Short Assured Tenancy on 4 March 2009. An AT5 was lawfully served on the Tenant in advance setting out the notice of grounds upon which recovery could be sought.

A Notice to Quit and AT6 dated 29 March 2018 were lawfully served upon the Tenant on 30 March 2018 by Sheriff Officer.

The Tenancy reached its termination date on 3 June 2018. The Tenant remained in the property.

The Applicant raised proceedings to seek recovery possession which he is entitled to do.

A handwritten signature in black ink, appearing to be the initials 'M'.

The Tenant was served with all documentation in respect of this action by Sheriff Officers on 3 August 2018. She was aware that she required to lodge any written representations by 21 August. She did not do so.

The Hearing

A Case Management Discussion was assigned for 31 August at 2pm. The Tenant was aware of this as the date was comprised within the documentation served upon her on 3 August 2018. She failed to attend or be represented.

The hearing was attended by Miss Matheson of Thorntons solicitors who represent the Applicant. She made submissions based upon the written evidence and documentation.

Reasons for decision

The application for the eviction order which the Applicant seeks is based upon a mandatory ground for recovery of possession. The Tribunal is obliged to grant the order sought subject to being satisfied that all necessary Notices and documentation have been lawfully served upon the Tenant. This is the position as evidenced by the bundle of evidence which both parties have had access to.

The Applicant is entitled to the eviction order sought. The Tenant has not opposed the Order.

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.

Richard Hill

Legal Member/Chair

31/8/18

Date