

**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/19/1352**

**Re: Property at 7A Hepburn Street, Dundee, DD3 8BT (“the Property”)**

**Parties:**

**Mrs Marlene Suttie, 2 North Powrie Farm Cottage, Tealing, By Dundee, DD4  
0QQ (“the Applicant”)**

**Mr Connor McPherson, Ms Jennifer Furey, 7A Hepburn Street, Dundee, DD3  
8BT (“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 recovery of possession/eviction be  
granted.**

**Background**

This is an application principally for eviction/recovery of possession in terms of  
section 33 of the Act and Rule 66 of the Tribunal Procedure Rules 2017. The  
application details other additional grounds which it is not necessary to consider.

The Tribunal had regard to the following documentation:

1. Application dated 2 May 2019;
2. Short Assured Tenancy (**SAT**) dated 30 September 2016;
3. AT5 dated 30 September 2016;
4. Statement of Rent Arrears;
5. Notice to Quit dated 28 February 2019;
6. Section 33 Notice date 28 February 2019;
7. AT6 dated 28 February 2019;
8. Section 11 Notice;
9. Proof of posting;
10. Sheriff Officer Certificate of Service dated 22 May 2019.

**Case Management Discussion (CMD)**

**A.<sup>1</sup>S**

The case called for a CMD on 26 June 2019. The Applicant was represented by Ms Ritchie and Mr Piggott, Solicitor.

The Respondents were not present and were not represented.

The Tribunal was satisfied that the Respondents had notice of the CMD and that the Tribunal could determine the matter if satisfied on the information before it and it was fair to do so.

The Tribunal considered the documentation and made the following findings in fact:

1. The Parties entered in to a SAT in respect of the Property dated 30 September 2016;
2. AT5 had been served on 30 September 2016;
3. The SAT had been validly terminated at its ish on 30 April 2019;
4. Tacit relocation was no longer operating;
5. Section 11 Notice had been served on the local authority.

In light of the fact that the requirements of section 33 had been fulfilled the Tribunal had no discretion other than to grant the order sought. The Tribunal considered that it had sufficient information upon which to make that determination at this stage and it was fair to do so.

The Tribunal accordingly granted the order sought and found that it was not necessary to consider the additional grounds canvassed in the application.

### **Decision**

The Tribunal granted the order for recovery of possession/eviction.

### **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.**

**Alan Strain**

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**Legal Member/Chair**

*26 June 2019*  
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**Date**