



**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/19/1375

**Re: Property at 3 North Brighton Cottage, Glencarse, Perth and Kinross, PH2
7LF (“the Property”)**

Parties:

**Mrs Lucy E M Poett, Harviestoun Home Farm, House of Mailer, Perth, PH2 0QA
 (“the Applicant”)**

**Mr Michael Macleod, 3 North Brighton Cottage, Glencarse, Perth and Kinross,
PH2 7LF (“the Respondent”)**

Tribunal Members:

Helen Forbes (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 possession of the Property should be
granted against the Respondent.**

Background

This is an application made under Rule 66 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 as amended (“the Rules”). The application was made in the period between 7th May and 4th June 2019, seeking an order for possession of the Property on termination of a short assured tenancy that commenced on 17th April 2017. The term of the tenancy was six months and one day, and monthly thereafter. Notice to quit and a notice in terms of section 33 of the Housing (Scotland) Act 1988 (“the 1988 Act”) dated 4th January 2019 were served on the Respondent. The Respondent was required to remove from the Property by 18th March 2019. The Respondent did not remove from the Property. Copies of the aforementioned notices were lodged with the application, together with evidence of receipt of the said notice by the Respondent by recorded delivery, copy

tenancy agreement, copy AT5 notice, copy section 11 notice and copy Disposition in relation to the Property in favour of the Applicant.

A Case Management Discussion set down for 24th July 2019 was postponed as negotiations were taking place between the parties.

A Case Management Discussion took place on 2nd September 2019. Parties were not present. The Applicant was represented by Ms Grace Watson, Solicitor. There had been a late application for postponement of the Case Management Discussion on behalf of the Applicant and the Tribunal was concerned that the Respondent was not aware that the Case Management Discussion was proceeding. The Case Management Discussion was adjourned.

Parties were notified of the date, time and place of the next Case Management Discussion by letter dated 10th September 2019.

The Case Management Discussion

A Case Management Discussion took place at Inveralmond Business Centre, Auld Bond Road, Perth on 14th October 2019. Neither party was in attendance. The Applicant was represented by Ms Grace Watson, Solicitor. The Tribunal considered that the requirements of Rule 24(1) had been complied with and the Respondent had been notified of the Case Management Discussion. Accordingly, the Tribunal proceeded in terms of Rule 29.

Ms Watson moved that an order for possession of the Property be granted in terms of section 33 of the 1988 Act.

Findings in Fact

1. The parties entered into a short assured tenancy agreement that commenced on 17th April 2017. The term of the tenancy was six months and one day, and monthly thereafter.
2. Notice to quit and a notice in terms of section 33 of the Housing (Scotland) Act 1988 ("the 1988 Act") dated 4th January 2019 were served on the Respondent by recorded delivery. The Respondent signed to acknowledge receipt of the notices.
3. The notice to quit was valid and the contractual tenancy was terminated on its ish date. Tacit relocation is not in operation.
4. The Applicant has complied with the requirements of section 33 of the 1988 Act.

Reasons for Decision

The short assured tenancy has been terminated and tacit relocation is not in operation. The notices were served validly and the Tribunal has no option but to grant the order sought.

Decision

The Tribunal grants an order against the Respondent for possession of the Property.

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.

Helen Forbes

Legal Member/Chair

14th October 2019
Date