



**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/18/1379**

**Re: Property at 7/25 Arneil Drive, Edinburgh, EH5 2GN (“the Property”)**

**Parties:**

**Telford NHT 2011 LLP, Miller House, 2 Lochside View, Edinburgh, EH12 9DH  
 (“the Applicant”)**

**Mr Garikayi Simbarashe, 7/25 Arneil Drive, Edinburgh, EH5 2GN (“the  
 Respondent”)**

**Tribunal Members:**

**Maurice O’Carroll (Legal Member)**

**Decision (in absence of the Respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the  
 Tribunal”) determined that due notice having been given to the Respondent to  
 terminate the Short Assured Tenancy between the parties, grants the Order for  
 possession**

**Background**

1. A Short Assured Tenancy was entered into between the parties on 13 May 2016.
2. By letter dated 23 January 2018, the Applicant gave notice to the Respondent of its intention to possess the Property with effect from 14 April 2018 being the Termination date.
3. That letter was served by Sheriff Officers and a copy Certificate of Intimation dated 25 January 2018 was provided to the Tribunal.
4. An application dated 31 May 2018 was received by the Tribunal seeking the necessary Order to gain possession.

## **Case Management Discussion**

5. A Case Management Hearing (“CMD”) took place on 13 September 2018. Notice of the CMD was provided to the Respondent. A Certificate of Intimation dated 29 August 2018 vouching service of the current application by Sheriff Officers was provided to the Tribunal.
6. At the CMD, Mr Mattheson of Messrs TC Young appeared on behalf of the Applicant. There was no appearance by the Respondent. No correspondence contesting the section 33(1) application had been received by the Tribunal.

## **Findings in fact**

- The parties entered into a Short Assured Tenancy on 13 May 2016
- The Applicant served a Notice in terms of section 33(1) of the Housing (Scotland) Act 1988 on the Respondent on 25 January 2018.
- The Notice was validly served on the Respondent by Sheriff Officers
- The requisite notice period of the intention to repossess was given
- Nothing was provided to the Tribunal to indicate that there was any reason why the Order sought should not be granted.

## **Decision**

7. The Tribunal being satisfied that notice of intention to take possession having been given to the Respondent as required in terms of the Short Assured Tenancy between the parties and that the relevant period of notice having expired, grants the Order sought by the Applicant.

## **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.**

Maurice O'Carroll

**Legal Member/Chair**

\_\_\_\_\_ 13 September 2018

**Date**

\*Insert or Delete as required