



**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/18/1495**

**Re: Property at Flat 4/42, Ardshiel Avenue, Edinburgh, EH4 7HS (“the  
Property”)**

**Parties:**

**Mrs Joanne Peace, Ms Sandra Keane, 13 Forthview Road, Edinburgh, EH4  
2DE; 71 Mayshacke Road, Loanhead, EH20 9HL (“the Applicants”)**

**Ms Karen Marshall, Flat 4/42, Ardshiel Avenue, Edinburgh, EH4 7HS (“the  
Respondent”)**

**Tribunal Members:**

**John McHugh (Legal Member) and James Battye (Ordinary Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the  
Tribunal”) determined that the Application should be granted.**

**The Hearing**

A hearing was held in George House, Edinburgh on 6 September 2018. The Applicants were represented by the first Applicant. The Respondent was neither present nor represented.

**Findings in Fact**

1 The Applicants are the landlords and the Respondent the tenant of the Property in terms of a tenancy agreement dated 16 April 2016.

2 The lease of the Property is a short assured tenancy.

3 On 20 January 2018 the Applicants gave notice to the Respondent in terms of section 33 of the Housing (Scotland) Act 1988.

4 On 30 January 2018 notice to quit was served upon the Respondent.

5 The lease has reached its term on 17 April 2018.

6 No further contractual tenancy is in existence.

7 Tacit relocation is not operating.

### **Decision and Reasons**

The Tribunal decide to grant the Application.

The Tribunal is satisfied that the lease has reached its term and that neither tacit relocation nor a new contractual tenancy are in operation.

The Tribunal was advised by the first Applicant at the hearing that the Respondent was aware of the position and had no opposition to it. The first Applicant advised that the Respondent had had a history of mental health difficulties but was currently well and understood the impact of the current proceedings. The Tribunal gave consideration to whether there was any need to take additional measures (beyond the formal notification of the hearing and the Application which the Tribunal were satisfied had taken place) to ensure that a fair hearing was given to the Respondent but resolved that it would be appropriate to grant the Application given that the only information available to the Tribunal regarding the Respondent's health had come from the Applicants and that information suggested that the Respondent had not been prevented from taking part in the proceedings by reason of any health difficulties.

### **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.**

# John McHugh

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Legal Member/Chair

6 September 2018  
Date