



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 16 of the Housing (Scotland)
Act 2014**

Chamber Ref: FTS/HPC/EV/18/2282

Re: Property at 8 Rosebank Terrace, Dundee, DD3 6UA (“the Property”)

Parties:

SSS Investment Properties Limited, 76 St John's Road, Kent, TN4 9PH (“the Applicant”)

**Mr Pavol Merica, Ms Natalia Kizewska, 8 Rosebank Terrace, Dundee, DD3 6UA
 (“the Respondents”)**

Tribunal Members:

Mary-Claire Kelly (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that to grant an order to recover possession in terms of section 33 of the Housing (Scotland) Act 1988

Background

1. By application dated 28th August 2018 the applicant sought an order to recover possession in terms of section 33 of the Housing (Scotland) Act 1988.
2. The applicant lodged various documents with the application including a lease between the parties with a commencement date of 6th July 2016, a form AT5, copy notices to quit and notices in terms of section 33 of the Housing (Scotland) Act 1988.

Case Management Discussion

3. The applicant was represented by Miss Cooper from Messrs Thorntons who were instructed as local agents on behalf of W & AS Bruce. Both respondents were present.
4. Miss Cooper moved for the application to be granted on the basis that the tenancy was a Short Assured Tenancy and the proper notices had been served.
5. The Tribunal noted that the documents which had been lodged in advance of the hearing were all in order and that in those circumstances the Tribunal had no discretion but to grant the Order.
6. The respondents had received copies of all the papers and had sought advice from Shelter prior to the CMD. They had been advised that there was no defence to the action.
7. The respondents advised that they had been struggling to find affordable accommodation with three bedrooms. The Tribunal advised the respondents of the timescale before the Order would become enforceable. The respondents were concerned that they may not be able to find accommodation prior to the New Year. The Tribunal advised the respondents that the date of enforcement was a matter for the applicant. Miss Cooper advised that she would make her instructing agents aware of the difficulties in finding new accommodation which had been raised by the applicant. The Tribunal advised the respondents that as there had been no defence to the application, they may be assisted by the local authority to access new accommodation.

Findings in fact

- a. The parties entered into a Short Assured Tenancy agreement which commenced on 6th July 2016.
- b. The applicant served a valid Notice to quit and notice in terms of section 33 of the Housing (Scotland) Act 1988 on the respondents.

- c. The applicants are entitled to decree for recovery of possession as sought in the application.

Reasons for Decision

8. The applicants having complied with the terms of section 33 of the Housing (Scotland) Act an order must be granted as sought.

Decision

9. Order for Possession granted.

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.

Mary-Claire Kelly

Legal Member/Chair

12th November 2018
Date

*Insert or Delete as required