

Housing and Property Chamber
First-tier Tribunal for Scotland



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/19/2653

Re: Property at 2R 56 Main Street, Dundee, DD3 7HN (“the Property”)

Parties:

Mrs Zeenat Ali, 31 Forfar Road, Dundee, DD4 7BE (“the Applicant”)

Mr Szymon Stec, 2R 56 Main Street, Dundee, DD3 7HN (“the Respondent”)

Tribunal Members:

Karen Moore (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 Possession be granted

1. By application received between 23 August 2019 and 19 September 2019 (“the Application”), the Applicant’s Agents, Messrs Muir Myles Laverty, solicitors, Dundee, on behalf of the Applicant, made an application to the Tribunal for a possession order in terms of Section 33 of the Act and in terms of Rule 66 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”).
2. The Application comprised copy of a short assured tenancy agreement between the Parties, copy Notice in terms of Section 33(1)(d) of the Act, copy Notice to Quit and copy Notice in terms of Section 19A of the Act to the relevant local authority, all with evidence of intimation.
3. On 8 October 2019, a legal member of the Tribunal with delegated powers of the Chamber President accepted the Application and a Case Management Discussion (“CMD”) was fixed for 28 November 2019 at 11.30 at Caledonian

House, Greenmarket, Dundee, DD1 4QX. The CMD was intimated to both Parties.

Case Management Discussion

4. The CMD took place on 28 November 2019 at the said Caledonian House. The Applicant was not present and was represented by Mr. Forsyth of the Applicant,s Agents who confirmed the Order sought. The Respondent was not present and was not represented.

Findings in Fact

5. From the Application and the CMD, I found that a tenancy agreement exists between the Parties, that competent statutory notices had been served on the Respondent and that the notice in terms of Section 19A of the Act had been intimated to the relevant local authority.

Decision and Reasons for Decision

6. Having found that the correct procedure had been followed, I had regard to Section 18 of the Act which states that, in these circumstances, "the First-tier Tribunal shall make an order" and to Rule 17(4) of the Rules which states that the Tribunal "may do anything at a case management discussion which it may do at a hearing, including make a decision" and, accordingly, I determined to grant an Order for possession without further procedure.

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.

K.Moore

Legal Member/Chair

28 NOV 2019

Date