

**Housing and Property Chamber**  
First-tier Tribunal for Scotland

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**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section Section 33 of the Housing (Scotland) Act 1988**

**Chamber Ref: FTS/HPC/EV/18/0063**

**Re: Property at 60 Mugiemooss Road, Bucksburn, Aberdeen, AB21 9PF (“the Property”)**

**Parties:**

**LAR Housing Trust, C/O 22 Abercrombie Court, Prospect Road, Westhill, Aberdeenshire, AB32 6FE (“the Applicant”)**

**Mr John Crawford, 60 Mugiemooss Road, Bucksburn, Aberdeen, AB21 9PF (“the Respondent”)**

**Tribunal Members:**

**Neil Kinnear (Legal Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that**

**Background**

This is an application dated 19<sup>th</sup> December 2018 brought in terms of Rule 66 (Application for order for possession upon termination of a short assured tenancy) of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 as amended.

The Applicant provided with its application copies of the short assured tenancy agreement, form AT5, Notice to Quit, Section 33 notice, Section 11 notice, and relevant executions of service. All of these documents and forms had been correctly and validly prepared in terms of the provisions of the Housing (Scotland) Act 1988, and the procedures set out in that Act had been correctly followed and applied.

The Respondent had been validly served by sheriff officers with the notification, application, papers and guidance notes from the Tribunal on 11<sup>th</sup> May 2018, and I was provided with the executions of service.

### **Case Management Discussion**

A Case Management Discussion was held on 13<sup>th</sup> June 2018 at The Credo Centre, 14-20 John Street, Aberdeen. The Applicant did not appear, but was represented by Mr Dorn, solicitor. The Respondent appeared in person.

Mr Dorn explained that the Applicant had purchased the landlord's interest in terms of the short assured tenancy in May 2016, just after the commencement of the tenancy. It was accordingly successor to the landlord noted under the tenancy agreement, Mugiemoos and Cove NHT. He provided the Tribunal with appropriate paperwork and title sheets to confirm that situation.

I was invited by Mr Dorn with reference to the application and papers to grant the order sought. The Respondent indicated that he was not in a position to contest the granting of the order, and accepted that he had received and been served with all the appropriate paperwork noted above.

### **Statement of Reasons**

In terms of Section 33 of the Housing (Scotland) Act 1988, the Tribunal shall make an order for possession of the house let on the tenancy if:

- (a) the short assured tenancy has reached its end;
- (b) tacit relocation is not operating;
- (c) no further contractual tenancy (whether a short assured tenancy or not) is for the time being in existence; and
- (d) the landlord has given to the tenant notice stating that he requires possession of the house.

All of the above criteria have been satisfied in this application, and accordingly the Tribunal shall make an order for possession.

### **Decision**

In these circumstances, I will make an order for possession of the house let on the tenancy as sought in this application.

### **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.**

N Kinnear

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**Legal Member/Chair**

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**Date**

13/06/18