

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



**Statement of Decision 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/17/0524**

**Re: Property at 16 Muirhouse Medway, Edinburgh, EH4 4RP (“the Property”)**

**Parties:**

**Mr Douglas Peace, Mrs Joanne Peace, 13 Forthview Road, Edinburgh, EH4 2DA; 13 Forthview Road, Edinburgh, EH4 2DE (“the Applicant”)**

**Miss Staceyann Taylor, 16 Muirhouse Medway, Edinburgh, EH4 4RP (“the Respondent”)**

**Tribunal Members:**

**Nairn Young (Legal Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for possession of the property be granted.**

- Background

The application relates to the property known as and forming 16 Muirhouse Medway, Edinburgh, EH4 4RP. The application was submitted to the Tribunal in terms of rule 66 of the Rules of Procedure on 18 December 2017, requesting recovery of possession of the property. A copy of the tenancy agreement, Form AT5, Notice to Quit, Section 33 Notice, Section 11 Notice (in terms of the Housing (Scotland) Act 1988) and proof of service were lodged with the application.

- Case Management Discussion

The case management discussion took place at 10am on 16 February 2018. Mrs Joanne Peace, one of the applicants, appeared in person. There was no appearance on behalf of the respondent. A letter from Sheriff’s Officers accompanying proof of service of the application on the respondent indicated that she had stated she did not

intend to attend. She had made no written representation, or other contact with the Tribunal.

- Findings in Fact
  1. By an agreement dated 30 January 2012 the parties entered into a Short Assured Tenancy enduring from 1 February 2012 to 2 August 2012 and from month to month thereafter. Notice in form AT5 was served on the respondent before the creation of the tenancy by the applicants.
  2. Notice to quit and notice in terms of s.33(1)(d) of the Housing (Scotland) Act 1988 were served by the applicants on the respondent on 24 September 2017, requiring her to quit the premises by 2 December 2017.
  3. The tenant remains in possession of the property.
  4. The tenancy has reached its end. Tacit relocation is not operating. No further contractual tenancy is in existence. The landlords have given notice stating that they require possession of the house.
- Reasons for Decision

The tenancy is a Short Assured Tenancy in terms of s.32 of the Housing (Scotland) Act 1988. I am satisfied that the requirements of s.33(1) of the same have been met and that I am therefore obliged to grant the order sought.

- Decision

Order for recovery of possession of the property known as and forming 16 Muirhouse Medway, Edinburgh, EH4 4RP 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.**

**Where such an appeal is made, the effect of the decision and of any order is suspended until the appeal is abandoned or finally determined by the Upper Tribunal, and where the appeal is abandoned or finally determined by**

upholding the decision, the decision and any order will be treated as having effect from the day on which the appeal is abandoned or so determined.

N Young

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Legal Member/Chair

16/2/18  
\_\_\_\_\_  
Date