

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

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**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/22/3312**

**Re: Property at 2 Pickletullum Gardens, Perth, PH2 0NQ (“the Property”)**

**Parties:**

**Ms Helen Jane Mukomba, C/O 5-9 Bon Accord Crescent, Aberdeen, AB11 6DN (“the Applicant”)**

**Mrs Susan Watt, 2 Pickletullum Gardens, Perth, PH2 0NQ (“the Respondent”)**

**Tribunal Members:**

**Nairn Young (Legal Member) and Jane Heppenstall (Ordinary Member)**

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

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

- Background

This is an application for an order for possession of the Property, which the Respondent occupies in terms of a short assured tenancy agreement with the Applicant. It called for a case management discussion (‘CMD’) at 2pm on 10 February 2023, by teleconference. The Applicant was represented on the call by Mrs Elder, of Aberdeen Considine, solicitors. The Respondent did not call in and was not represented. The commencement of the teleconference was delayed by 10 minutes to allow for any technical issue she may have been experiencing, but there was no contact from her.

Notice of the CMD was served on the Respondent by sheriff officers on 16 December 2022. The Tribunal was satisfied that she was aware of the CMD but had chosen not to attend; and that it was fair to proceed in her absence, on that basis.

- Findings in Fact and in Fact and Law

1. The Respondent occupies the Property in terms of a short assured tenancy, with an initial term of six months from 30 October 2013.
2. In terms of the tenancy agreement, the tenancy would run from month to month following the initial six-month period, unless terminated by notice given by either party to the other of two months.
3. On 23 May 2022, the Applicant served a notice to quit on the Respondent terminating the tenancy on 1 August 2022.
4. At the same time, the Applicant served a notice in terms of s.33(1)(d) of the Housing (Scotland) Act 1988 on the Respondent, indicating that she would require possession of the Property on 1 August 2022.
5. It is reasonable to make an order for possession.

- Reasons for Decision

6. The correct procedure for termination of the tenancy has been carried out by the Applicant. The tenancy has therefore reached its end and tacit relocation is not operating. The requisite notice under s.33(1)(d) of the Housing (Scotland) Act 1988 ('the Act') was served on the Respondent. The Respondent has not presented any information to suggest that it would not be reasonable to grant the order sought.
7. The Tribunal therefore considered that the requirements of s.33(1) of the Act have been met and the order should be made.

- Decision

**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.

Since an appeal is only able to be made on a point of law, a party who intends to appeal the tribunal's decision may wish to request a Statement of Reasons for the decision to enable them to identify the point of law on which they wish to appeal. A party may make a request of the First-tier Tribunal for Scotland (Housing and Property Chamber) to provide written reasons for their decision within 14 days of the date of issue of this decision.

Where a Statement of Reasons is provided by the tribunal after such a request, the 30 day period for receipt of an application for permission to appeal begins on the date the Statement of Reasons is sent to them.

Legal Member/Chair

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16/02/2023

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Date