



**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 (Act)**

Chamber Ref: FTS/HPC/EV/19/2488

Re: Property at 28 The Glebe, Dreghorn, Ayrshire, KA11 4DA (“the Property”)

Parties:

Mr Duncan Taylor, 68 Cumbrae Drive, Doonfoot, Ayr, KA7 4GA (“the Applicant”)

Ms Linzi Thomson, 28 The Glebe, Dreghorn, Ayrshire, KA11 4DA (“the Respondent”)

Tribunal Members:

Alan Strain (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 eviction and recovery of possession be granted.

Background

This is an application under section 33 of the Act and Rule 66 of the Tribunal Procedure Rules seeking recovery of possession following termination of a Short Assured Tenancy (**SAT**).

The Tribunal had regard to the following documents:

1. Application received 8 August 2019;
2. SAT dated 5 November 2015;
3. AT5 dated 5 November 2015;
4. Notice to Quit and Section 33 Notice dated 18 April 2019;
5. Royal Mail Track and Trace for both Notices dated 20 April 2019;
6. Section 11 Notice;

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7. Sheriff Officer's Certificate of Service of notification of Case Management Discussion (CMD) dated 30 August 2019.

CMD

The case called for a CMD on 10 October 2019. The Applicant was not present but was represented. The Respondent was not present or represented.

The Tribunal was satisfied that the Respondent had notification of the CMD and the fact that the Tribunal could proceed in her absence and determine the matter if satisfied that it had sufficient information to do so and the procedure had been fair.

The Tribunal considered the documentary evidence and made the following findings in fact:

1. The Parties entered in to an SAT dated 5 November 2015;
2. Notice to Quit and Section 33 Notice had been validly served on the Respondent on 20 April 2019 by Royal Mail;
3. The SAT had terminated on 4 July 2019;
4. Tacit relocation was no longer operating;
5. The Respondent remained in occupation of the Property.

Having made the findings in fact the Tribunal was satisfied that it had sufficient information upon which to make a Decision and the procedure was fair. The Tribunal considered the terms of section 33 of the Act. The SAT had been lawfully terminated and tacit relocation no longer operating. The Tribunal had no discretion other than to grant the order sought.

The Tribunal accordingly granted the order.

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.

Alan Strain

10 October 2019

Legal Member/Chair

Date