



**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/19/0419

Re: Property at 1 Cromwell Place, Edinburgh, EH6 6TX (“the Property”)

Parties:

**Miss Colette Rice, 170 Marble Arch Road, Gortatole, Flerencecourt,
Enniskillen, County Fermanagh, BT92 1ED (“the Applicant”)**

Ms Valerie Orr, 1 Cromwell Place, Edinburgh, EH6 6TX (“the Respondent”)

Tribunal Members:

Maurice O’Carroll (Legal Member)

Decision (in absence of the Respondent)

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

Background

1. A Case Management Discussion (“CMD”) took place on 4 April 2019 within George House, Edinburgh at 2pm. The Applicant was represented by Ms Jacqueline Ridley of Messrs Blacklocks. The Respondent did not appear and was not represented. The Chairman of the Tribunal decided to hold the hearing in her absence.

Findings in fact

2. The parties entered into a tenancy agreement in respect of a Short Assured Tenancy on 1 February 2008. Upon the expiry of the initial term, the tenancy agreement continued on a month to month basis. The relevant ish date fell on 1 February 2019. Section 5 of the application form erroneously gave the ish date as 1 February 2015 due to a typographical error. This was permitted to be amended at the CMD to show the correct date.

3. A Notice to Quit dated 28 November 2018 was served on the Respondent on 30 November 2018, giving two clear months' notice to remove from the Property.
4. The Tribunal was satisfied that service on the Respondent was valid and effective in terms of section 33 of the 1988 Act.
5. Notice was served on the Local Authority in terms of section 11 of the Homelessness Etc. (Scotland) Act 2003 by email on 6 February 2019.

Outcome

6. In light of the facts found above, the Tribunal decided to grant an Order for repossession as sought.

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.

Maurice O'Carroll

Legal Member/Chair

4/4/19

Date