

Housing and Property Chamber
First-tier Tribunal for Scotland



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 33 (1) (d) of the Housing (Scotland) Act 1988 (Act)

Chamber Ref: FTS/HPC/EV/19/0798

Re: Property at 29 Wallace Brae Road, Danestone, Aberdeen, AB22 8YZ (“the Property”)

Parties:

Mr Vincent Tocher, 2 Corse Grove, Bridge of Don, Aberdeen, AB23 8LR (“the Applicant”)

Mr Majid Yazdani-Khonakdari, Mrs Samera Kaveity, 29 Wallace Brae Road, Danestone, Aberdeen, AB22 8YZ; 29 Wallace Brae Road, Danestone, Aberdeen, AB22 8YZ (“the Respondent”)

Tribunal Members:

Alan Strain (Legal Member)

Decision

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

Background

This is an application in terms of section 33(1)(d) of the Act for eviction/recovery of possession following termination of a Short Assured Tenancy (**SAT**) under Rule 66 of the Tribunal Procedure Rules.

The Tribunal had regard to the following documents;

1. Application;
2. SAT;
3. AT5;
4. Notice to Quit;
5. Section 33 Notice;

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6. Section 11 Notice;
7. Proof of posting and receipt.

Case Management Discussion (CMD)

The case called for a CMD on 10 June 2019. The Applicant was represented. The Second Respondent was present and explained the First respondent no longer lived in the Property.

The Second Respondent confirmed that she did not have any defence to the application. The Tribunal explained that as the paperwork was in order it had no discretion other than to grant the order sought given that the SAT had been validly terminated.

The Tribunal was satisfied that it had sufficient information upon which to make a decision and that it was fair to do so at this stage.

The Tribunal accordingly granted the order for eviction/recovery of possession.

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

Legal Member/Chair

Date

10 June 2019