

Housing and Property Chamber
First-tier Tribunal for Scotland



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/18/1920

Re: Property at Yarrow Dene, Yarrowford, Selkirk, TD7 5LZ (“the Property”)

Parties:

Mr Robert Burns, 32 Forest Gardens, Galashiels, TD1 1JX (“the Applicant”)

Mrs Tracy Ryde, Yarrow Dene, Yarrowford, Selkirk, TD7 5LZ (“the Respondent”)

Tribunal Members:

Ruth O'Hare (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to make an order for repossession of the Property against the Respondent.

- **Background**

- 1 By application received 30 July 2018 under Rule 66 of the First-tier Tribunal (Housing and Property Chamber) (Procedure) Regulations 2017 the Applicant sought an order for recovery of possession of the property.
- 2 Following submission of the application a Case Management Discussion was assigned for 17th September 2018. A copy of the application together with citation was served personally on the Respondent by Sheriff Officers on 3rd September 2018. No written representations were received from her in response.

- **The Case Management Discussion**

- 3 The Case Management Discussion took place on 3rd September 2018. The Applicant was present. The Respondent did not attend.

- **Findings in Fact**

- 4 The Applicant and the Respondent entered into a Tenancy Agreement in respect of the Property, the term of which was 28th July 2017 to 29th January 2018 and monthly thereafter.
- 5 The tenancy was a short assured tenancy as defined by section 32 of the Housing (Scotland) Act 1988.
- 6 The Respondent was served with a Notice to Quit dated 14th May 2018 terminating the tenancy as at 28th July 2018 together with Notice intimating that the Landlord required possession of the house. Both notices were served on the Respondent by Sheriff Officers on 24th May 2018.
- 7 The tenancy has reached its end as at 28th July 2018. Tacit relocation is not operating.

- **Decision**

By virtue of the written and verbal representations from the Applicant the Tribunal was satisfied that the provisions of section 33 of the Housing (Scotland) Act 1988 had been met and therefore made an order for repossession against the Respondent.

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.

Ruth O'Hare

✓ _____
Legal Member/Chair

17/9/18
_____ Date