



**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/19/2146**

**Re: Property at 3 Lyon Street, Dundee, DD4 6RF (“the Property”)**

**Parties:**

**Ms Margaret Tosh, c/o 7 South Tay Street, Dundee, DD1 1NU (“the Applicant”)**

**Mr Liam Hansen, 3 Lyon Street, Dundee, DD4 6RF (“the Respondent”)**

**Tribunal Member:**

**Nicola Irvine (Legal Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant is entitled to the Order sought for recovery of possession of the property.**

**Background**

The Applicant submitted an application seeking an order to evict the Respondent from the property at 3 Lyon Street, Dundee, DD4 6RF. The Tribunal intimated the application to the parties by letter of 16<sup>th</sup> August 2019 and advised them of the date, time and place of today’s case management discussion. In that letter, the parties were also told that they required to attend the case management discussion and were informed that the Tribunal could make a decision today on the application if the Tribunal has sufficient information and considers the procedure to have been fair.

**The Case Management Discussion**

The Applicant was represented by Mr Neil Dymock. The case management discussion proceeded in the absence of the Respondent. Mr Dymock advised that the Applicant seeks to rely upon Section 33 of the Housing (Scotland) Act 1988. The

Applicant's position was that the conditions set out in Section 33 of the Act have been met and the short assured tenancy terminated at the ish.

### **Findings in Fact:**

1. The Respondent entered into a Tenancy Agreement in dated 10<sup>th</sup> January 2017. The period of the tenancy was from 10<sup>th</sup> January 2017 to 11<sup>th</sup> July 2017. Thereafter, the tenancy continued on a monthly basis.
2. The rent payable was £495 per calender month, payable in advance.
3. The Applicant's agent served notice on terms of Section 33 of the Housing (Scotland) Act 1988 on 14<sup>th</sup> March 2019 indicating that the Applicant required possession of the property on or before 11<sup>th</sup> June 2019.
4. The Applicant served a Notice to Quit on 14<sup>th</sup> March 2019 indicating that the Respondent required to remove from the property by 11<sup>th</sup> June 2019.
5. The short assured tenancy had reached its ish.
6. Tacit relocation was not operating.
7. No further contractual tenancy is in operation.
8. The Applicant is entitled to the Order sought for repossession.

### **Reason for Decision**

The Tribunal proceeded on the basis of the written documents which were before it. The Applicant's representative invited the Tribunal to make the Order sought. The Applicant relied upon Section 33 of the Act. The notice had been properly served. The Tribunal was satisfied that conditions of Section 33 had been met. There was nothing before the Tribunal challenging or disputing any of the evidence before it.

### **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.**

**Where such an appeal is made, the effect of the decision and of any order is suspended until the appeal is abandoned or finally determined by the Upper Tribunal, and where the appeal is abandoned or finally determined by upholding the decision, the decision and any order will be treated as having effect from the day on which the appeal is abandoned or so determined.**

N. Irvine

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**Legal Member/Chair**

**24<sup>th</sup> September 2019**

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**Date**