



**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/19/2188**

**Re: Property at 2 Balmakin Farmhouse, Colinsburgh, Leven, Fife, KY9 1JS  
("the Property")**

**Parties:**

**Balcarres Estate, Balcarres Estate Office, Colinsburgh, Leven, Fife, KY9 1HJ  
("the Applicant")**

**Mr David Cupar, 2 Balmakin Farmhouse, Colinsburgh, Leven, Fife, KY9 1JS  
("the Respondent")**

**Tribunal Members:**

**Richard Mill (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.**

**The Hearing**

**The Applicant was represented by Mr Charles Shearer, solicitor. The  
Respondent did not enter appearance. Service was effected lawfully by Sheriff  
Officer delivery on 23 August 2019.**

**Findings**

- 1. The parties entered into a short assured tenancy in respect of the  
property at 2 Balmakin Farmhouse, Colinsburgh, Leven, Fife, KY9 1JS.  
The lease commenced on 9 July 2001.**
- 2. The tenancy was validly terminated by service of a Notice to Quit and  
section 33 Notices on 4 April 2019.**

## Reasons

The Applicant is entitled to the Order for eviction sought. There is no discretion on the part of the Tribunal.

## 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.

Richard Mill

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Legal Member/Chair

2/10/19  
\_\_\_\_\_  
Date