



**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 (Act)**

Chamber Ref: FTS/HPC/EV/19/3836

**Re: Property at 4 Eldrick Crescent, Fauldhouse, West Lothian, EH47 9BD (“the
Property”)**

Parties:

**Miss Tracey Carson, 64 Thirlfield Wynd, Livingston, EH54 7ES (“the
Applicant”)**

**Ms Sharon Love, 4 Eldrick Crescent, Fauldhouse, West Lothian, EH47 9BD
 (“the Respondent”)**

Tribunal Members:

Alan Strain (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.**

Background

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

The Tribunal had regard to the following documents:

1. Application received 2 December 2019;
2. SAT commencing 1 November 2014;
3. AT5 dated 1 November 2014;
4. Prior Notification of Grounds dated 1 November 2014;
5. Section 33 Notice dated 30 July 2019;
6. Notice to Quit dated 30 July 2019;

7. Sheriff Officer Certificate of service of Notice to Quit and Section 33 Notice dated 31 July 2019;
8. Section 11 Notice to Local Authority and Royal Mail Certificate of Posting dated 18 December 2019.

Case Management Discussion (CMD)

The case called for a CMD on 21 February 2020. The Applicant appeared in person. The Respondent participated by conference call.

The Applicant's position was that the Tribunal should grant the order sought as the paperwork was in order and the requirements of section 33 satisfied.

The Respondent's position was that she did not want to leave the Property but that she understood that there was nothing she could do with regard to the application.

The Tribunal considered the documents and what had been said. The Tribunal made the following findings in fact:

1. The Parties entered in to the SAT commencing 1 November 2014;
2. Notice to Quit and Section 33 Notice had been validly served on 31 July 2019;
3. The SAT had been validly terminated on 2 October 2019;
4. Tacit relocation was no longer operating;
5. Section 11 notification had been given to the local authority; and
6. The Respondent remained in occupation of the Property.

The Tribunal considered the requirements of section 33 and was satisfied that they were met. The Tribunal considered that it had sufficient information to make a decision at this stage and that the procedure was fair.

The Tribunal granted the order for eviction and recovery of possession 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.

Alan Strain

21 February 2020

Legal Member/Chair

Date