



**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/18/1158

Re: Property at 5-1 Slitrig Bank, Hawick, TD9 0AQ (“the Property”)

Parties:

Mr Alistair Hope, 58 Buccleuch Road, Selkirk, TD7 5DN (“the Applicant”)

**Mr Remo Nardini, H M Prison Edinburgh, 33 Stenhouse Road, Edinburgh, EH11
3LN (“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 under Rule 66 of the Procedure Rules for recovery of possession and eviction following termination of a short assured tenancy in terms of section 33 of the Act.

The case had called for a Case Management Discussion (**CMD**) on 3 August 2018. It had been continued until today’s date due to the fact that the Legal Member was not satisfied the Respondent had notice of the CMD due to being incarcerated at HMP Saughton.

CMD

The case called today for a further CMD. The Applicant was present but there was no appearance or representation by the Respondent. The Tribunal waited a short

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period of time to see if the Respondent would participate but he did not do so. The CMD proceeded in his absence.

The Tribunal had regard to the following documents:

1. Application received 30 May 2018;
2. Tenancy Agreement dated 18 August 2017;
3. AT5 dated 18 August 2017;
4. Notice to Quit dated 14 December 2017;
5. Section 33 Notice dated 14 December 2017;
6. Certificate of Service by Sheriff Officers of 4 and 5 above dated 19 December 2017; and
7. Section 11 Notice dated 9 May 2018.

The Tribunal also had regard to Sheriff Officer's certificate of service of the papers and notification of today's CMD dated 6 September 2018. The notification informed the Respondent that the Tribunal could determine the matter in his absence if satisfied that it had sufficient information and it was fair to do so.

The Tribunal considered the papers and found that a valid Short Assured Tenancy had been created on 18 August 2018; that it had been validly terminated by Notice to Quit dated 14 December 2017; that a valid Section 33 Notice had been served requiring the Respondent to remove by 17 March 2018; that he had not removed and that a valid section 11 Notice had been served on the Council.

The Tribunal was satisfied that it had sufficient information upon which to determine the matter and that it was fair to do so. The Tribunal accordingly granted the order for eviction and recovery of possession.

The Tribunal took in to account the overriding objective when reaching the decision.

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

25 September 2018