



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/18/0098

Re: Property at 37 Thistle Street, Cowdenbeath, Fife, KY4 8NF (“the Property”)

Parties:

Mr Brian Duncan, 42A Station Road, Cardenden, Fife, KY5 0BP (“the Applicant”)

Miss Gemma Muirhead, 37 Thistle Street, Cowdenbeath, Fife, KY4 8NF (“the Respondent”)

**Tribunal Members:
Valerie Bremner (Legal Member)**

Decision in the absence of the Respondent

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that

Background

This is an application dated 11th January 2018 brought in terms of Rule 66 (Application for order for possession upon termination of a short assured tenancy) of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 as amended.

The Applicant provided the Tribunal with his application and copies of the short assured tenancy agreement, Form AT5, Notice to Quit, Section 33 Notice and Section 11 notice. These were all in appropriate form and in respect of Form AT5, Notice to Quit and Section 33 notice, I was advised by the Applicant that these had been left at the address at 37 Thistle Street Cowdenbeath on 12th December 2017 and that he had also contacted the Respondent by text to ensure that she was aware that the documents had been left for her. I was satisfied that these documents had been validly served in terms of Section 54 of the Housing(Scotland) Act 1988.

The Respondent has been validly served with the notification, application, papers and guidance notes from the Tribunal on 16th February 2018 and I was provided with an execution of service.

Case Management Discussion

A case management discussion was held on 15th March 2018 at Fife Voluntary Action, 16 East Fergus Place, Kirkcaldy. The Applicant appeared together with his representative Mr Burt. The Respondent did not appear and the Applicant had received notification from her that she would not attend. The Applicant and his Representative were ready to proceed and wished to go ahead and I was satisfied that it was appropriate to proceed in the absence of the Respondent in terms of rule 29 of the First-Tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 as amended.

I was invited by the Applicant and his Representative to grant the order sought.

Statement of Reasons

In terms of section 33 of the Housing (Scotland) Act 1988 the Tribunal shall make an order for possession of the house let on the tenancy if

The short assured tenancy has reach its ish

Tacit relocation is not operating

No further contractual tenancy is for the time being in existence

The landlord has given to the tenant notice stating that he requires possession of the house.

All of the above criteria were satisfied in this case and the Tribunal shall make an order for possession.

Decision

In these circumstances the Tribunal will make an order for possession of the house let on the tenancy as sought in the application.

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.

Valerie Bremner

March 15th 2018

Legal Member/Chair

Date