



**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/18/0237

Re: Property at 2/6 Magdalene Avenue, Edinburgh, EH15 3BP (“the Property”)

Parties:

**Mr Isthiaq Ahmad, Mrs Sheila Ahmad, 134 Newhaven Road, Edinburgh, EH6
4NR (“the Applicants”)**

**Ms Kelly Ann Kubasik, 2/6 Magdalene Avenue, Edinburgh, EH15 3BP (“the
Respondent”)**

Tribunal Members:

Alastair Houston (Legal Member)

Decision (in absence of the Respondent)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that an order be made against the Respondent for
possession of the Property under section 33 of the Housing (Scotland) Act
1988.**

This is an application for an order for possession of the Property let on a Short Assured Tenancy agreement.

The Case Management discussion was held on 19 March 2018. The Applicants were represented by Mr Matheson and Miss Morrison. The Respondent was absent.

At the Case Management discussion, Miss Morrison confirmed that the Applicants purchased the property in August 2017. The Applicants adopted the Short Assured Tenancy agreement commencing 5 April 2010, to which the Respondent was party. The Applicants had served Notice to Quit the Property on the Respondent, terminating the contractual Short Assured Tenancy agreement on 5 January 2018 and notice in terms of Section 33 of the Housing (Scotland) Act 1988 that vacant

possession of the Property was required as of the same date. Miss Morrison advised that the Respondent continued to occupy the Property.

Statement of Reasons

The Applicants had served Notice to Quit and notice in terms of Section 33 of the Housing (Scotland) Act 1988. I was satisfied that the Short Assured Tenancy Agreement had reached its end, tacit relocation was not operating and that no further contractual tenancy was in existence. Accordingly, I made an order for possession as required by Section 33 of the Housing (Scotland) Act 1988.

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.

A Houston

Legal Member/Chair

19 March 2018

Date