



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 33 of the Housing (Scotland)
1988 (Act)**

Chamber Ref: FTS/HPC/EV/19/0002

**Re: Property at 70 Walker Drive, South Queensferry, EH30 9RR (“the
Property”)**

Parties:

**Mr Scott Craig, Mr Jason Scott, 22 St Patrick Square, Edinburgh, EH8 9EY
 (“the Applicant”)**

**Ms Cheryl McGee, 70 Walker Drive, South Queensferry, EH30 9RR (“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 recovery of possession/eviction be
granted.**

Background

This is an application for recovery of possession/eviction in terms of section 33 of the
Act and Rule 66.

The Tribunal had regard to the following documents:

1. Application dated 28 December 2018;
2. SAT commencing 6 October 2017;
3. AT5 dated 6 October 2017;
4. Notice to Quit dated 13 April 2018;
5. Section 33 dated 16 April 2018;
6. Sheriff Officer Certificate of Service dated 18 April 2018;
7. Section 11 Notice;

8. Certificate of Service by Sheriff Officers of CMD Notification dated 1 April 2019.

Case Management Discussion (CMD)

The case called for a CMD on 18 April 2019. The Applicant was represented. The Respondent did not appear and was not represented.

The Tribunal had regard to the certificate of service of the CMD Notification by Sheriff Officer upon the Respondent. The Tribunal considered and found that service had been affected upon the Respondent and that she was aware the Tribunal could determine the matter in her absence if it was satisfied that it had sufficient information and it was fair to do so.

The Tribunal, in so far as material, found that:

1. the Parties had entered in to a valid SAT commencing 6 October 2017;
2. The SAT had been validly terminated by the Notice to Quit and Section 33 Notice;
3. Section 11 Notice had been served upon the local authority.

In light of the fact that section 33 had been complied with the Tribunal had no discretion other than to grant the order sought. The Tribunal was accordingly satisfied that it had sufficient information upon which to make a Decision and that it was fair to do so at this stage.

The Tribunal granted the order 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

Legal Member/Chair

18 April 2019

Date