



**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/18/2175

**Re: Property at 257 Pittencrieff Street, Dunfermline, Fife, KY12 8AW (“the
Property”)**

Parties:

**Kingdom Initiatives Limited, Saltire Centre, Pentland Court, Glenrothes, KY6
2DA (“the Applicant”)**

**Ms Hope Clark, 257 Pittencrieff Street, Dunfermline, Fife, KY12 8AW (“the
Respondent”)**

Tribunal Members:

Eleanor Mannion (Legal Member)

Decision (in absence of the Respondent)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that the grounds for possession were met pursuant to
Section 33 of the Housing (Scotland) Act 1988 and so an order for possession
of the above property was granted.**

Ms Jade Gibson of Inns Johnstone LLP appeared as local agent on behalf of Shepherd and Wedderburn, solicitors on record for the Applicant. Ms Gibson confirmed that the applicant was seeking repossession on the grounds of Section 33 of the Housing (Scotland) Act 1988, namely possession on termination of a Short Assured Tenancy. She advised that the lease was entered into on the 1st July 2015. An AT6 was provided in advance of the tenancy starting. The tenancy reached its termination date on the 27th December 2017. The tenancy continued on a month to month basis after this. The Applicant served a Notice to Quit on the 24th May 2018 and a Section 33 notice as also served on this date. Both notices formed part of the application before the First Tier Tribunal this morning along with the lease.

The Respondent was not present at the case management discussion this morning and made no written representations in advance. The Respondent has not contacted

the First Tier Tribunal since receipt of the case paperwork served under cover of letter dated the 8th October 2018. Additional time was given at the outset of the case management discussion to allow the Respondent the opportunity to attend.

The wording of Section 33 of the Housing (Scotland) Act 1988 states that the First Tier Tribunal shall make an order for possession if the Short Assured Tenancy has come to an end, tacit relocation is not operating and the landlord has given notice stating that he requires possession of the house. I am satisfied that the elements of Section 33 are fulfilled and so the Tribunal shall make an order in that regard.

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.

E. Mannion

Legal Member

25/10/18

Date