



**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/18/0257

**Re: Property at Auchenbrae Farmhouse, Rothiemay, Huntly, Aberdeenshire,
AB54 7PA (“the Property”)**

Parties:

**Dr Graeme Riddoch, Tarryblake, Rothiemay, NR Huntly, Aberdeenshire, AB54
7PB (“the Applicant”)**

**Mr Roy Northcote, Mrs Hazel Northcote, Auchenbrae Farmhouse, Rothiemay,
Huntly, Aberdeenshire, AB54 7PA (“the Respondents”)**

Tribunal Members:

Neil Kinnear (Legal Member)

Decision

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

Background

This is an application dated 30th 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 with his application copies of the short assured tenancy agreement, extension of tenancy agreement, form AT5, Notice to Quit, Section 33 notice, Section 11 notice, and relevant executions of service. All of these documents and forms had been correctly and validly prepared in terms of the provisions of the Housing (Scotland) Act 1988, and the procedures set out in that Act had been correctly followed and applied.

The Respondents had been validly served by sheriff officers with the notification, application, papers and guidance notes from the Tribunal on 18th May 2018, and I was provided with the executions of service.

Case Management Discussion

A Case Management Discussion was held on 20th June 2018 at Ferryhill Community Centre, Albury Road, Aberdeen. The Applicant did not appear, but was represented by Mrs Tait, his land agent. The Respondents appeared in person.

I was invited by Mrs Tait with reference to the application and papers to grant the order sought. The Respondents indicated that they were not in a position to contest the granting of the order, and accepted that they had received and been served with all the appropriate paperwork noted above. They explained their personal circumstances which included serious health difficulties and problems in obtaining alternative living accommodation, with which the Tribunal had very great sympathy.

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:

- (a) the short assured tenancy has reached its end;
- (b) tacit relocation is not operating;
- (c) no further contractual tenancy (whether a short assured tenancy or not) is for the time being in existence; and
- (d) the landlord has given to the tenant notice stating that he requires possession of the house.

All of the above criteria have been satisfied in this application, and accordingly the Tribunal shall make an order for possession.

Decision

In these circumstances, I will make an order for possession of the house let on the tenancy as sought in this 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.

N Kinnear

Legal Member/Chair

20/06/18

Date