



**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/18/0047**

**Re: Property at 29/8 Brighthouse Park Cross, Cramond, Edinburgh, EH4 6GW  
("the Property")**

**Parties:**

**AMA (New Town) LTD, 15 Coates Crescent, Edinburgh, EH3 7AF ("the  
Applicant")**

**Mr Iqbal Hussain, 29/8 Brighthouse Park Cross, Cramond, Edinburgh, EH4 6GW  
("the Respondent")**

**Tribunal Members:**

**Nicola Irvine (Legal Member)**

**Decision (in absence of the Respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the  
Tribunal") determined that the Applicant is entitled to recover possession of  
the property and that the order for eviction should be granted.**

**Background**

The Applicant submitted an application seeking an order to evict the Respondent from property at 29/8 Brighthouse Park Cross, Cramond, Edinburgh, EH4 6GW. The Tribunal intimated the application to the Respondent on 8<sup>th</sup> February 2018 and advised him that a case management discussion would be held on 7<sup>th</sup> March 2018. The Applicant was represented at that case management discussion by Mr Mathieson and the Respondent was personally present. Reference is made to the note of that case management discussion. On 6<sup>th</sup> April 2018, the Tribunal received an email from the Respondent indicating that he did not intend to attend the continued case management discussion on 12<sup>th</sup> April and intended to move from the property on 26<sup>th</sup> April 2018.

## Case Management Discussion

The hearing took place in the absence of the Respondent. The Applicant was represented by Mr Mathieson, Solicitor. He was aware of the email from the Respondent. Nonetheless, the Applicant insisted on the order for eviction. Mr Mathieson produced a letter from Mike Afshar, Director of AMA (Cramond) Limited. That letter advised that AMA (New Town) Limited is the parent company of AMA (Cramond) Limited. The letter also indicated that AMA (New Town) Limited has authorisation to enter into leases, serve notices and recover possession of properties owned by AMA (Cramond) Limited. On that basis, Mr Mathieson submitted that the Applicant has title to seek the order for eviction.

## Findings in fact

1. The Applicant and Respondent entered into a tenancy agreement dated 13<sup>th</sup> July 2015. The period of the tenancy was from 20<sup>th</sup> July 2015 to 19<sup>th</sup> July 2016. The tenancy continued thereafter on a monthly basis. The rent payable was £1,600 per calendar month, payable in advance.
2. The Applicant's agent served a notice to quit and a notice in terms of Section 33 of the Housing (Scotland) Act 1988 on 19<sup>th</sup> September 2017.
3. The Applicant has authority from AMA (Cramond) Limited to enter into leases, serve notices and recover possession of properties owned by AMA (Cramond) Limited.

## Reasons for Decision

The Tribunal proceeded on the basis of the written documents which were before it. The Applicant's solicitor invited the Tribunal to make the Order for eviction. The Tribunal was satisfied that the conditions in Section 33 of the Housing (Scotland) Act 1988 had been met: the tenancy had reached its end, tacit relocation was not operating, no further contractual tenancy was in existence and the Applicant served notice in terms of Section 33 advising that the Applicant required possession of the property. There was nothing before the Tribunal challenging or disputing any of the evidence before it.

## **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.

Nicola Irvine

Legal Member/Chair

12<sup>th</sup> April 2018

Date