



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/18/0526

Re: Property at 22 Main Street, Mid Calder, EH53 0AN (“the Property”)

Parties:

Mr Steven Perrott, Mrs Joanne Perrott, 3 Wallace Mill Gardens, Mid Calder, EH53 0BE (“the Applicant”)

Mr Kevin Wells, Mrs Lauren Wells, 22 Main Street, Mid Calder, EH53 0AN (“the Respondent”)

Tribunal Members:

George Clark (Legal Member) and Linda Robertson (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Application for recovery of possession of the Property should be granted in terms of Section 33(1) of the Housing (Scotland) Act 1988.

- The Applicant sought to recover possession of the Property on the ground that a Short Assured Tenancy had come to an end and that all appropriate Notices had been given to the Respondent.
- The Hearing.
A Hearing took place at George House, 126 George Street, Edinburgh on the morning of 8 May 2018. The Applicant was represented by Jody McAdam, Property Manager of Castlebrae Sales and Lettings Limited and Lynn McMurdo, one of their Directors. The Respondent was not present or represented at the Hearing.
The Applicant’s representatives asked the Tribunal to make an Order for possession on the Ground that a Short Assured Tenancy of the Property had been validly terminated in terms of Section 33 of the Housing (Scotland) Act 1988 (“the Act”), as set out in the Application.

- Findings in Fact

~~The Respondent occupies the Property under Short Assured Tenancy which commenced on 2 December 2016. The Tribunal has seen copies of the Lease and of the AT5 Notice advising the Respondent that it was a Short Assured Tenancy.~~

The Tenancy was for an initial period of 6 months, to 2 June 2017, but if not terminated as at that date continued on a month to month basis until terminated by 2 months' notice given by either party to the other.

The Landlord's agents served a Notice to Quit, containing the necessary prescribed information dated 28 December 2017. The Notice to Quit was accompanied by a Notice served under Section 33(1)(d) of the Act.

The Tribunal has seen proof of delivery of these Notices.

The period of Notice given in the Notice to Quit and the Section 33 Notice is 2 months.

- Reasons for Decision

The Tribunal is satisfied that the Short Assured Tenancy has reached its end, that tacit relocation is not operating, that no further contractual tenancy is for the time being in existence and that the Applicant has given the Respondent notice that the Applicant requires possession of the Property. The Applicant has, therefore, complied with the requirements of Section 33 of the Act and the Tribunal must make an Order for possession.

- Decision

The Tribunal grants the Application for recovery of possession of the Property. The Decision of the Tribunal is unanimous.

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.

G Clark

Legal Member/Chair

8 May 2018

Date