



**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/19/2211**

**Re: Property at 19 Hunters Lane, Whitburn, West Lothian, EH47 0DT (“the  
Property”)**

**Parties:**

**JPK Bros Limited, 48 Thomson Road, Armadale, West Lothian, EH48 3GJ (“the  
Applicant”)**

**Mrs Gina Crighton, 19 Hunters Lane, Whitburn, West Lothian, EH47 0DT (“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 the order sought for  
recovery of possession of the property.**

**Background**

The Applicant submitted an application seeking an order to evict the Respondent from the property at 19 Hunters Lane, Whitburn, West Lothian. The Tribunal intimated the application to the parties by letter of 28<sup>th</sup> August 2019 and advised them of the date, time and place of today’s case management discussion. In that letter, the parties were also told that they required to attend the case management discussion and were informed that the Tribunal could make a decision today on the application if the Tribunal has sufficient information and considers the procedure to have been fair. The Respondent was invited to make written representations by 18<sup>th</sup> September 2019. No written representations were received by the Tribunal.

## **The Case Management Discussion**

The Applicant was represented by Ms Isla Marie Casey. The case management discussion proceeded in the absence of the Respondent. The Applicant's representative advised that the Applicant seeks to rely upon Section 33 of the Housing (Scotland) Act 1988. The Applicant's position was that the conditions set out in Section 33 of the Act have been met and the short assured tenancy terminated at the ish.

## **Findings in Fact:**

1. The Applicant and the Respondent entered into a Tenancy Agreement dated 13<sup>th</sup> September 2013. The period of the tenancy was from 13<sup>th</sup> September 2013 to 13<sup>th</sup> March 2014. Thereafter, the tenancy continued on a monthly basis.
2. The rent payable was £425 per calendar month, payable in advance.
3. The Applicant's agent served notice on terms of Section 33 of the Housing (Scotland) Act 1988 on 8<sup>th</sup> May 2019 indicating that the Applicant required possession of the property on or before 13<sup>th</sup> July 2019.
4. The Applicant's agent served a Notice to Quit on 8<sup>th</sup> May 2019 indicating that the Respondent required to remove from the property by 13<sup>th</sup> July 2019.
5. The short assured tenancy had reached its ish.
6. Tacit relocation was not operating.
7. No further contractual tenancy is in operation.
8. The Applicant is entitled to the Order sought for repossession.

## **Reason for Decision**

The Tribunal proceeded on the basis of the written documents which were before it. The Applicant's representative invited the Tribunal to make the Order sought. The Applicant relied upon Section 33 of the Act. The notice had been properly served. The Tribunal was satisfied that conditions of Section 33 had been met. 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**  
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Legal Member/Chair

**8<sup>th</sup> October 2019**  
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Date