

Housing and Property Chamber
First-tier Tribunal for Scotland



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 18 of the Housing (Scotland) Act 1988

Chamber Ref: FTS/HPC/EV/18/0463

Re: Property at 1/2 144B Lochee Road, Dundee, DD2 2LB (“the Property”)

Parties:

B.C. Properties, Easter Friarton, Newport-on-Tay, Fife, DD6 8RB (“the Applicant”)

Ms Jacqueline Howie, 1/2 144B Lochee Road, Dundee, DD2 2LB (“the Respondent”)

Tribunal Members:

Andrew McLaughlin (Legal Member)

Decision (in absence of the Respondent)

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

- The Applicant seeks an order for recovery of possession of the Property.
- A hearing was convened at 10am on 31 May 2018 at Dundee Carer’s Centre, 132-134 Seagate, Dundee. At the hearing the Applicant was represented by their solicitor, Mr Lee Corr. Mr Corr advised that the Applicant had been informed that the Respondent had died on or around 26 May 2018. The Applicant indicated that they continued to wish to seek recovery of possession of the Property.
- The Tribunal found in fact that the short assured tenancy in place between the parties was validly ended by the service of a s33 Notice under the Housing (Scotland) Act 1988 and a Notice to Quit. Accordingly the Applicant was entitled to recovery of the Property.
- The Tribunal considered that notwithstanding the death of the Respondent it was appropriate to grant the order sought to allow the Applicant to enter the Property and remove the Respondent’s belongings and personal effects and to stop further arrears of rent accruing which would be to no ones’ s benefit.

The Tribunal considered that this Order can be enforced against the Respondent's estate.

- Accordingly the Tribunal granted the order as sought.

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.

Andrew McLaughlin

Legal Member/Chair

31/5/18.

Date