



**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/23/0657

Re: Property at 44 Milton Street, Dundee, DD3 6QQ (“the Property”)

Parties:

Mrs Jacqueline Ritchie, 7 Brunstane Drive, Edinburgh, EH15 2NF (“the Applicant”)

Miss Stephanie Wilson, 44 Milton Street, Dundee, DD3 6QQ (“the Respondent”)

Tribunal Members:

Nairn Young (Legal Member) and Elizabeth Williams (Ordinary Member)

Decision (in absence of the Respondent)

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

- Background

This is an application for an order for possession of the Property, which is let by the Applicant to the Respondent in terms of a short assured tenancy. It called for a case management discussion (‘CMD’) at 2pm on 8 August 2023, by teleconference. The Applicant was on the line in person and was represented by Ms Leslie Davie, of Direct Lettings. The Respondent was not on the line and was not represented. The commencement of the CMD was delayed by 10 minutes to allow for any technical difficulty she may have been experiencing, but there remained no contact from her.

Notice of the CMD was served on the Respondent by sheriff officers on 29 June 2023. The Tribunal was therefore satisfied that the Respondent was aware of the

CMD, but had chosen not to attend. It concluded that it was fair to proceed in her absence.

- Findings in Fact

The relevant facts were not disputed:

1. The Applicant lets the Property to the Respondent in terms of a short assured tenancy, with an initial term of 30 November 2017 to 30 May 2018.
2. On termination of the initial term, the lease stipulates that it will run on, on a month-to-month basis, until notice is given to terminate it by either party.
3. On 30 December 2022, the Applicant served notice to quit and notice in terms of s.33 of the Housing (Scotland) Act 1988 ('the Act') on the Respondent by sheriff officers, indicating that the tenancy would terminate on 28 February 2023 and that possession would be required by her on 1 March 2023.
4. The Respondent has been offered alternative accommodation by a housing association in Dundee.

- Reasons for Decision

5. The contractual tenancy has reached its end and tacit relocation is not operating. The requisite notice under s.33 has been served. The Respondent has found alternative accommodation and it is therefore reasonable for an order for possession to be granted.

- Decision

Order for possession granted.

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.

Nairn Young

Legal Member:

Date: 28/08/2023
