

**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 33 of the Housing (Scotland)  
Act 1988**

**Chamber Ref: FTS/HPC/EV/18/1025**

**Re: Property at Flat A, 14 Garden Street, Ayr, KA8 0BB (“the Property”)**

**Parties:**

**Ms Yeolande Davis, Abbey Farm, Holywood, Dumfries, DG2 0RJ (“the Applicant”)**

**Mr Jamie Morton, Mrs Stefanie Morton, Flat A, 14 Garden Street, Ayr, KA8 0BB;  
Flat A, 14 Garden Street, Ayr, KA8 0BB (“the Respondent”)**

**Tribunal Members:**

**Alastair Houston (Legal Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for possession be made in favour of the Applicant.**

**Background**

This is an application under Rule 66 of the First Tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”) whereby the Applicant sought an order for possession upon termination of a Short Assured Tenancy. The application was accompanied by a copy of the tenancy agreement between the parties, copies of a notice to quit and notice in terms of Section 33 of the Housing (Scotland) Act 1988 (“the 1988 Act”) and execution of service of these notices.

**The Case Management Discussion**

The Case Management Discussion took place on 29 August 2018. The Applicant was represented by Mr Williamson of Key-Lets. The Respondents were personally present. Mr Williamson confirmed that the application was being insisted upon and requested an order for possession be granted. The Respondents advised that they

were not opposing the application and were in the process of vacating the property. They hoped to have removed completely in the next seven to ten days.

### **Reasons For Decision**

The notice to quit and notice in terms of section 33 of the 1988 Act sought to terminate the tenancy and require the Respondents to vacate the property as of 31 March 2018. This was a valid *ish* date in terms of the written tenancy agreement between the parties. As notices had been served on 29 January 2018, the requisite period of notice had been given.

As a result of these notices being served, the short assured tenancy between the parties had reached its *ish* and tacit relocation was not operating, the Tribunal was obliged to make an order for possession in terms of Section 33 of the 1988 Act.

### **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.

**Alastair Houston**

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**Legal Member/Chair**

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**Date**

29 AUGUST 2018