



**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/18/1355

**Re: Property at Flat 3, 7 Steedman Row, Craigmillar, Edinburgh, EH16 4FQ
("the Property")**

Parties:

**Places for People Scotland, 1 Hay Avenue, Edinburgh, EH16 4RW ("the
Applicant")**

**Mr Robert Sewielski, Flat 3, 7 Steedman Row, Craigmillar, Edinburgh, EH16
4FQ ("the Respondent")**

Tribunal Members:

Colin Dunipace (Legal Member)

Decision

**The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the
Tribunal") determined that the Order sought by the Applicant should be
granted without the necessity of a formal Hearing.**

- The Applicant had raised an action for eviction in terms of the foregoing Act . The tenancy was a Short Assured Tenancy having been entered into on 5 November 2015. The Applicant served a Notice to Quit upon the Respondent on 26 February 2018 giving notice that the Respondent required to remove from the property on 6 May 2018. A Notice was also served on the Respondent on the same date under Section 33(1)(d) of the Housing (Scotland) Act 1988 stating that the Applicants required the possession of the property as at 6 May 2018. The aforementioned Short Assured Tenancy accordingly reached its end as at 6 May 2018.
- The matter called before me as a Case Management Discussion on 7 September 2018. At that time the Applicants were represented by Mr McKendrick of Messrs TC Young Solicitors. The Respondent was also

present at this Discussion. At that time the Applicants moved for the Order to be granted, stating that they had complied with the requirements of Section 33(1)(d) of the Housing (Scotland) Act 1988.

- The Respondent indicated at the Discussion that he wished to remain in the property as he had nowhere else to live at the present time. The Respondent accepted that he had accrued considerable arrears of rent due to debt difficulties but that he now taken advice in this regard and had signed a Trust Deed and was hoping to clear his arrears. The Respondent made an offer in the sum of £150 in relation to his arrears.
- Having heard from the parties I considered whether matters might be capable of resolution and I noted that the Applicant's representative agreed that he would speak to his clients to ascertain whether the offer made was acceptable to them. To facilitate this I adjourned the case for 15 minutes to enable instructions to be obtained. When the Discussion resumed I noted that the Applicants were not prepared to accept this offer, pointing out that no previous offer have been made and that no payments had been made since May 2018.
- Having considered matters further I was satisfied that the Applicant's had satisfied the terms of Section 33(1)(d) of the Housing (Scotland) Act 1988, and that as no substantive matters had been raised by the Respondent, I determined that the Order should be made forthwith.

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.

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Colin Dunipace

Legal Member/Chair

Date

7/9/18