

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/18/1463

Re: Property at 59 Cranston Street, Penicuik, Midlothian, EH26 9BW ("the Property")

Parties:

Saltouns LTD, C/O 61A Queen Street, Edinburgh, EH2 4NA ("the Applicant")

Ms Catherine Tuohy, 59 Cranston Street, Penicuik, Midlothian, EH26 9BW ("the Respondent")

Tribunal Members:

Colin Dunipace (Legal Member)

Decision (in absence of the Respondent)

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 6 December 2016. The Applicant served a Notice to Quit upon the Respondent on 8 March 2018 giving notice that the Respondent required to remove from the property on 9 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 9 May 2018. The aforementioned Short Assured Tenancy accordingly reached its end as at 9 May 2018.
- The matter called before me as a Case Management Discussion on 7 September 2018. At that time the Applicants were represented by Ms Laurie of Saltouns. The Respondent was not 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. .

- 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.

Colin Dunipace

Legal Member/Chair

7/9/18

Date