

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/18/1643

Re: Property at Flat 1/L, 285 Hawkhill, Dundee, DD2 1DN (“the Property”)

Parties:

**Mr Sean Lewis, per SGL Property Ltd -Top Floor, India Buildings, 86 Bell
Street, Dundee, DD1 1HN (“the Applicant”)**

**Mr Joshua Wilson, Ms Caitlin Delaney, Flat 1/L, 285 Hawkhill, Dundee, DD2
1DN (“the Respondents”)**

Tribunal Members:

Maurice O'Carroll (Legal Member)

Decision (in the absence of the Respondents)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that an Order for repossession should be granted**

Background

1. The parties entered into a Short Assured Tenancy lease over the Property on 15 November 2016.
2. Notice requiring possession of the Property was sent to the Respondents individually on 14 March 2018 by means of Recorded Delivery post. The date for vacant possession was stated as being 15 June 2018. The requisite notice period was therefore given.
3. The Applicant lodged an application for eviction/possession with the Tribunal on 28 June 2018.
4. A Case Management Discussion (“CMD”) was set down for 2pm at the Carers Centre, Seagate, Dundee on 14 September 2018.

The Case Management Discussion

5. At the CMD, Ms Sarah Matheson, solicitor with Messrs Thorntons appeared on behalf of the Applicant. There was no appearance by either of the Respondents or by anyone on their behalf.
6. The Tribunal was satisfied that notice had been given to the Respondents of the CMD, having seen a Certificate of Execution by Sheriff Officers dated 31 August 2018. The Tribunal therefore continued with proceedings in the absence of the Respondents. The Respondents were made aware that the Tribunal could proceed to grant an Order at the CMD without the need for a full hearing.

Findings in fact

- The parties entered into a Short Assured Tenancy dated 15 November 2016.
- Rent was payable at the rate of £595 per calendar month
- Notice of a requirement to repossess the Property was validly served on both tenants by Recorded Delivery post by letters dated 14 March 2018.

Reasons for the Decision

7. The requirements of rule 66 of the First-tier Tribunal for Scotland Housing and Property Chamber (Rules of Procedure) Regulations 2017 have been complied with by the Applicant.
8. The Respondents have been validly served with a Notice of Eviction/Possession. The requisite period of time was provided to the Respondents before bringing the present application.

Decision

9. The Tribunal grants the Order for Eviction/Possession sought by the Applicant.

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.

Maurice O'Carroll

Legal Member/Chair

14 September 2018
Date