



**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/18/2343**

**Re: Property at 22/4 Hammermans Entry, Edinburgh, EH8 8PA (“the Property”)**

**Parties:**

**Places for People Scotland Limited, 1 Hay Avenue, Edinburgh, EH16 4RW (“the Applicants”)**

**Mrs Amanda Doyle, Mrs Jennifer Doyle, 22/4 Hammermans Entry, Edinburgh, EH8 8PA (“the Respondent”)**

**Tribunal Members:**

**Lesley Ward (Legal Member)**

**Decision in absence of the Respondent**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for possession of the property at 22/4 Hammermans Entry Edinburgh EH8 8PA be granted in terms of s33 of the housing (Scotland) Act 1988 as the tribunal is satisfied that the terms of s33(1) of that Act are met.**

### **Case management discussion**

This is a case management discussion ‘CMD’ in connection with an application for possession of the property at 22/4 Hammermans Entry, Edinburgh EH8 8PA in terms of s33 of the Housing (Scotland) Act 198, ‘the Act’ and rule 66 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Rules 2017, ‘the rules. The application was made on behalf of the applicant Places for People Scotland Limited by Mr Alastair McKendrick of TC Young solicitors. The tribunal held a joint CMD for this application and a second application in terms of rule 70 for recovery of rent arrears. The tribunal had before it the following copy documents:

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1. Application dated 29 August 2018 and received by the Tribunal on 3 September 2018.
2. Short assured tenancy agreement between the applicant and respondents (undated ) to let the property from 10 February 2014 until 11 August 2011 and month to month thereafter.
3. AT5 signed by respondents on 10 February 2014.
4. Notice to quit dated 26 January 2018 addressed to Mrs Amanda Doyle.
5. Notice to quit dated 26 January 2018 addressed to Mrs Jennifer Doyle.
6. S33 notice dated 26 January 2018 addressed to Mrs Amanda Doyle.
7. S33 notice dated 26 January 2018 addressed to Mrs Jennifer Doyle.
8. S11 notice to local authority.
9. Sheriff officers execution of service of notice to quit and s33 notice to Mrs Amanda Doyle on 25 January 2018.
10. Sheriff officer's execution of service of notice to quit and s33 notice to Mrs Jennifer Doyle dated 25 January 2018.
11. Sheriff officers execution of service of application and CMD to Mrs Amanda Doyle on 24 October 2018.
12. Sheriff officer's execution of service of application and CMD to Mrs Jennifer Doyle dated 24 October 2018.

Ms Kirsty Morrison from TC Young solicitors attended the hearing as legal representative for the Applicants. There was no appearance for the Respondents and they were not represented. The tribunal had sight of the sheriff officer's execution of service referred to at item 12 above. Despite the terms of the execution carried out on 24 October 2018 the sheriff officer's coveting letter stated that the property appears to have been abandoned. Ms Morrison stated that her instructions were still to seek an order for possession of the property.

### Preliminary matters

1. The tribunal noted that there is a page of the copy lease missing. Ms Morrison stated that this was a page relating to the grounds of possession and the tribunal accepted that this was not material.
2. The tribunal noted that ownership of the property was in the name of "Lothian Housing Association" and the application was in the name of Places for People Scotland. Limited and the lease was in the name of Places for People Scotland. Ms Morrison exhibited a copy of an extract from Companies House which confirmed that Lothian Housing Association Limited have changed their name to Places for People Scotland Limited. The tribunal accepted that this answered the preliminary matter.

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## Findings in fact

The tribunal finds in fact:

1. The applicants entered into a short assured tenancy with the respondents in February 2014 for a period of 6 months from 10 February 2014 until 11 August 2014 and month to month thereafter.
2. An AT5 form was signed by the parties on 10 February 2014.
3. The applicants served a valid notice to quit individually on the respondents on 25 January 2018 to bring the tenancy to an end with an ish date of 11 April 2018.
4. The applicants served a valid s33 notice individually on the respondents on 25 January 2018 to bring the tenancy to an end at 11 April 2018.
5. The short assured tenancy has reached its ish.
6. Tacit relocation is not operating.
7. No further contractual tenancy is in existence.

## Reasons

The tribunal considered the documents lodged carefully. The tribunal is satisfied that the tribunal has sufficient information before it today to make a decision today in the absence of the respondent and that the procedure has been fair. The tribunal is satisfied that the terms of s33 of the Act have been complied with and in accordance with the tribunal's overriding objective made an order for recovery of possession.

## **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.**

Lesley Ward

14 November 2018

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Lesley A Ward Legal Member

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Date