



**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/18/3424

**Re: Property at 6/17, Western Harbour Terrace, Edinburgh, EH6 6JN (“the
Property”)**

Parties:

**Mr James Morris, C/O Mavor and Company, 16 Union Square, West Calder,
EH55 8EY (“the Applicant”)**

**Mr Tom King, 6/17, Western Harbour Terrace, Edinburgh, EH6 6JN (“the
Respondent”)**

Tribunal Members:

Yvonne McKenna (Legal Member)

Decision

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that an order for possession of the property at 6/17
Western Harbour Terrace, Edinburgh, EH6 6JN be granted and granted an
order for possession in terms of s33 of the Housing (Scotland) Act 1988.**

This was a Case management Discussion “CMD” in connection with an application
in terms of Rule 66 of the First-tier Tribunal for Scotland Housing and Property
Chamber (Procedure) Rules, “the rules” and s33 of the Housing (Scotland) Act 1988,
“the Act”.

The Tribunal had before it the following documents:-

- 1 Application dated 14th December 2018 and received on that date.
- 2 Notice to Quit dated 15th September 2018 with an ish of 16th November 2018.
(The Applicant had detailed in communication to the Tribunal that the letter was
dated 15th September in error and should have stated 14th September 2018.)
- 3 S33 Notice dated 14th September 2018.
- 4 S 11 Notice to local authority
- 5 Proof of service by Sheriff Officer of items 2 and 3

Y. M

- 6 AT5 signed by the Respondent on 15th March 2012.
- 7 Tenancy Agreement
- 8 Land Certificate
- 9 Mandate signed by the applicant authorising Mavor and Co. to act as his Representatives.
- 10 Sheriff Officers execution of service of application and CMD on the Respondent dated 22nd March 2019.

The Applicant was represented at the CMD by Ms. Patricia Mavor and Mr. Callum McQueenie both employees of Mavor and Co. The Respondent was personally present and was not represented.

The Respondent fully accepted that he had been served with all the requisite notices and did not contest the eviction being sought .

Findings in fact

1. The Applicant is the proprietor of the property.
2. The Applicant entered into a short assured tenancy with the Respondent for let of the property for the initial period of 15/03/2012 until 16/09/2012 and month to month thereafter.
3. The Respondent was served with a valid Notice to Quit and s33 Notice on with a valid ish date of 16th November 2018 .
4. The short assured tenancy has reached its ish.
5. Tacit relocation is not operating.
6. No further contractual tenancy is in existence.

Reasons

The Tribunal is satisfied that the Respondent has received notice of today`s hearing and has attended in person and has accepted that all of the above is correct. The procedure has been fair and the mandatory order sought was granted.

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.

Yvonne McKenna

12/04/19
Date