



**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/18/3036

Re: Property at 20 Marchbank Way, Balerno, EH14 7LW (“the Property”)

Parties:

Mr Ross Carmichael, 21 Main Street, Balerno, EH14 7EQ (“the Applicant”)

Ms Laura Bell, 20 Marchbank Way, Balerno, EH14 7LW (“the Respondent”)

Tribunal Members:

John McHugh (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 should be made in favour of the Applicant.

Background

The Applicant is the landlord and the Respondent the tenant in terms of a short assured tenancy dated 13 January 2013.

The short assured tenancy was for a period of six months and continued thereafter on a month to month basis.

On 3 August 2018 the Applicant served upon the Respondent a section 33 Notice and a Notice to Quit. These required the Respondent to quit the Property by 20 October 2018.

The Case Management Discussion

A Case Management Discussion took place on 18 January 2019 at George House, Edinburgh. The Applicant was represented by Neil Matheson, solicitor. The Respondent was neither present nor represented. The Tribunal had received no communication from the Respondent and Mr Matheson confirmed that he was aware of no contact from the Respondent regarding any reason for her non-attendance.

The Tribunal was satisfied that intimation of the Case Management Discussion had been given to the Respondent by service by Sheriff Officer. In the circumstances, the Tribunal resolved to proceed in the Respondent's absence.

Findings in Fact

The Applicant is the landlord and the Respondent the tenant in terms of a short assured tenancy dated 13 January 2013.

The short assured tenancy was for a period of six months and continued thereafter on a month to month basis.

On 3 August 2018 the Applicant served upon the Respondent a section 33 Notice and a Notice to Quit. These required the Respondent to quit the Property by 20 October 2018.

Reasons for Decision

The Tribunal is satisfied that: the short assured tenancy has reached its end; that tacit relocation is not operating; that no further contractual tenancy is in existence; and that the Applicant has given notice that he requires possession of the Property.

Decision

The Tribunal decides to make an Order in favour of the Applicant for possession of the Property.

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.

Mr John McHugh

John McHugh, Legal Member/Chair

18 January 2019

Date