



**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/23/4042**

**Property: 6 Lanrigg Court, Fauldhouse, Bathgate EH47 9LS ("Property")**

**Parties:**

**Louis Beuken and Gail Miller, 17 Market Place, Whitburn EH47 0EU ("Applicant")**

**Lothian Homes 4 Let, Unit C/2 Linbar House, 48 North Bridge Street, Bathgate  
EH48 4PP ("Applicant's Representative")**

**Iain Holt and Mary Rose Holt, 6 Lanrigg Court, Fauldhouse, Bathgate EH47 9LS  
("Respondent")**

**Tribunal Members:**

**Joan Devine (Legal Member)**

**Gerard Darroch (Ordinary Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber)  
("Tribunal") determined that an order for possession of the Property should be  
made.**

**Background**

The Applicant sought recovery of possession of the Property. The Applicant had lodged Form E. The documents produced were: Short Assured Tenancy Agreement dated 25 June 2015; AT5 dated 25 June 2015; Notice to Quit and Notice in terms of section 33 of the Housing (Scotland) Act 1988 ("1988 Act") both dated 25 August 2023 and both addressed to each Respondent; sheriff officer certificate of service evidencing service of the Notice to Quit and Section 33 Notice on each Respondent on 29 August 2023; notification to the Local Authority in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003 with covering email dated 19 October 2023. The Tribunal had sight of a sheriff officer's execution of service confirming service of the Application on the Respondent on 9 January 2024.

### **Case Management Discussion (“CMD”)**

A CMD took place on 7 March 2024. Samantha Fraser of the Applicant's Representative was in attendance as were both Respondents. Mr Holt told the Tribunal that the Respondent did not oppose the application for an eviction order. He said that the Applicant had been a good landlord and that the Respondent had been happy in the Property. He understood that the Applicant now wished the Property back for personal reasons. He said that the Respondent could not afford to remain in the private rented sector and had been in touch with the local authority regarding alternative accommodation. He said the local authority could progress that application once an order for eviction was made. Ms Fraser told the Tribunal that the Applicant required possession of the Property in order to sell for financial reasons.

### **Findings in Fact**

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent had entered into a tenancy agreement dated 25 June 2015.
2. The tenancy was for the period 6 July 2015 to 6 March 2016 and thereafter continuing on a month to month basis.
3. A Notice to Quit dated 25 August 2023 was served on each Respondent by sheriff officer stating that the tenancy would terminate on 6 November 2023.
4. A Notice in terms of Section 33 of the 1988 Act dated 25 August 2023 was served on each Respondent by sheriff officer stating that possession of the property was required on 6 November 2023.
5. The tenancy reached its *ish* on 6 November 2023 and is not continuing by tacit relocation.
6. Notification was provided to the Local Authority in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003.

### **Reasons for the Decision**

The Tribunal determined to make an Order for possession of the Property in terms of Section 33 of the 1988 Act. The Tribunal noted that the tenancy had been properly created as a short assured tenancy and that a Section 33 Notice and Notice to Quit had been served on the Respondent giving two months' notice that the Applicant required possession of the Property. Having considered all of the circumstances, and in light of the Respondent not opposing the application, the Tribunal determined that it was reasonable to issue an eviction order

## **Decision**

The Tribunal grants an Order 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.**



**Legal Member**

**Date : 7 March 2024**