



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber)**

Chamber Ref: FTS/HPC/EV/22/1570

Re: Property at 53 Roman Court, Bearsden, G61 2NW (“the Property”)

Parties:

**Mrs Sheila Rollason, Ms Alison Morton, 22 Tannoch Drive, Milngavie, G62 8AS
 (“the Applicant”)**

Ms Laura Hanif, 53 Roman Court, Bearsden, G61 2NW (“the Respondent”)

Tribunal Members:

Virgil Crawford (Legal Member) and Angus Lamont (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that

BACKGROUND

1. By Lease dated 19th February 2016 the Applicants let the Property to the Respondent;
2. A Notice in terms of Section 32 of the Housing (Scotland) Act 1988 (the “1988 Act”) – commonly referred to as a Form AT5 - was served upon the Respondent prior to signing the lease. The lease is, therefore, a short assured tenancy in terms of the 1988 Act;
3. A Notice to Quit dated 29th October 2021 was served upon the Respondent;
4. A Notice in terms of Section 33 of the 1988 Act, dated 29th October 2021, was served upon the Respondent;
5. A Notice in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003 was intimated to the Local Authority;
6. On 25th May 2022 the Applicant submitted an application to the Tribunal seeking an Order for eviction;

THE CASE MANAGEMENT DISCUSSION

7. A Case Management Discussion was held by teleconference on 6th January 2023 at 10am. Both Applicants, Mrs Sheila Rollason and Ms Alison Morton, participated. The Applicants were also represented by Ms Paula Neeson of Countrywide Residential Lettings. Mr Scott Singh of Countrywide Residential Lettings also joined the Case Management Discussion by telephone. The Respondent, Ms Laura Hanif participated. A member of the public also called in as an observer;
8. Miss Neeson, on behalf of the Applicants, moved the Tribunal to grant an order for eviction. Miss Hanif advised that, in principle, she did not have any objection an order for eviction being granted. She advised the Tribunal that she had already been in contact with the local authority with a view to securing alternative accommodation but required an order for eviction before the local authority would be able to advance matters in that regard;
9. Miss Hanif explained to the Tribunal that she is a single mother of 3 children, the children being aged 10 years, 8 years and 6 years. The children all attend Bearsden Primary School. She advised the Tribunal that she was hoping that she would not need to disrupt the schooling of her children. The local authority, however, had advised her that when they offer her alternative accommodation it may be anywhere within the East Dumbartonshire Local Authority area and would most likely be in the Kirkintilloch area. Accommodation there would most certainly mean that she would require to change the school of her children. In the circumstances, she was also intending to take steps to secure alternative privately let accommodation in the Bearsden area for the benefit of her children;
10. Given that, in principle, there was no objection to an eviction order being granted, discussion took place in relation to the date on which any such Order could be enforced and whether this could be extended beyond the normal period allowed to take account of the days of appeal permitted to parties to proceedings. After a brief adjournment to enable the Applicants to consider the matter, the Applicants advised the Tribunal they would be content if the date of enforcement was no earlier than 28th February 2023. That is a period of approximately 7 ½ weeks from the date of the Case Management Discussion. Miss Hanif indicated that she would have hoped for a longer period than that;
11. The Tribunal was of the view that an enforcement date of 28th February 2023 struck a reasonable compromise between the position of both parties. The Tribunal noted that a Notice to Quit and a Notice in terms of Section 33 of the 1988 Act were served as far back as October 2021. The Applicants have been hoping to secure the return of their property since then. The Tribunal also, however, considered the fact that the Respondent is a single mother of 3 children all of whom attend a local primary school, but also that the Respondent has, for a significant period of time, known that an eviction order was being sought;
12. In the circumstances, the Tribunal granted an order for eviction. The Tribunal determined that the appropriate date upon which the order can be enforced, if necessary, is 28th February 2023.

FINDINGS IN FACT

13. The Tribunal found the following facts to be established:-

- a) By Lease dated 19th February 2016 the Applicants let the Property to the Respondent;
- b) A Notice in terms of Section 32 of the 1988 Act – commonly referred to as a Form AT5 - was served upon the Respondent prior to signing the lease. The lease is, therefore, a short assured tenancy in terms of the 1988 Act;
- c) A Notice to Quit dated 29th October 2021 was served upon the Respondent;
- d) A Notice in terms of Section 33 of the 1988 Act, dated 29th October 2021, was served upon the Respondent;
- e) A Notice in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003 was intimated to the Local Authority;
- f) On 25th May 2022 the Applicant submitted an application to the Tribunal seeking an Order for eviction;
- g) The Respondent consented to an order for eviction being granted;
- h) It is reasonable in the circumstances that an order for eviction be granted.

DECISION

The Tribunal grants order to Officers of Court to eject the Respondent and family, servants, dependants, employees and others together with their goods, gear and whole belongings forth and from the Property at 53 Roman Court, Bearsden, G61 2NW and to make the same void and redd that the Applicants or others in their name may enter thereon and peaceably possess and enjoy the same.

Order not to be executed prior to 12 noon on 28th February 2023

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.

Virgil Crawford

6th January 2023

Legal Member/Chair

Date

