

**Housing and Property Chamber**  
First-tier Tribunal for Scotland

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**Decision with Statement of Reasons of the First-tier Tribunal for Scotland  
(Housing and Property Chamber) under Section 16 of the Housing (Scotland)  
Act 2014**

**Chamber Ref: FTS/HPC/EV/18/1387**

**Re: Property at 3a Ravenscroft Street, Edinburgh, EH17 8QT (“the Property”)**

**Parties:**

**Ms Emma Sarah Louise Porter, 21 York Street Place, Edinburgh, EH1 3EN (“the Applicant”)**

**Ms Soha Agha G Khan, 3a Ravenscroft Street, Edinburgh, EH17 8QT (“the Respondent”)**

**Tribunal Members:**

**Fiona Watson (Legal Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order is granted against the Respondent(s) for possession of the Property under section 33 of the Housing (Scotland) Act 1988.**

- **Background**

An application was submitted by the Applicant under Rule 66 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 dated 31 May 2018. The application sought an order for repossession of the property under section 33 of the Housing (Scotland) Act 1988.

- **The Case Management Discussion**

A Case Management Discussion took place on 28 August 2018. The Applicant was represented by Robert Dobie of Campbell Smith LLP. The Respondent was represented by her daughter, Ifrah Qureshi.

Mr Dobie on behalf of the Applicant moved the Tribunal to grant the order for repossession as sought. He submitted that the Landlord, David Glasgow, was sequestered on 21 June 2016. The Trustee appointed in Mr Glasgow's sequestration was the Applicant, Emma Porter. The Trustee had been in negotiations with the Respondent with a view to the Respondent purchasing the property. However the Respondent had been unable to obtain the necessary funding to do so, and accordingly the Trustee required repossession of the property in order to realise the landlord's assets for the benefit of his creditors.

Mr Dobie submitted that a notice to quit and section 33 notice had been served, that the requirements of section 33 of the Housing (Scotland) Act 1988 had been met, and the Order should be granted as sought.

Miss Qureshi submitted that she resided in the property along with the Respondent, her mother. They have been trying to source alternative accommodation but as yet have been unable to find anything suitable for her mother's health needs and within their budget. They have registered as homeless with the local authority in the hope that they can be rehoused by them.

- Findings in Fact

1. The Respondent entered into a Short Assured Tenancy commencing 20 January 2014 with David Glasgow, Landlord.
2. David Glasgow was sequestered on 21 June 2016 and Emma Porter was appointed as the Trustee in Sequestration in Mr Glasgow's estate.
3. A Notice to Quit and notice in terms of section 33 of the Housing (Scotland) Act 1988 were served on the Respondent by Recorded Delivery post on 16 February 2018. Said notices required the Respondent to remove from the Property by 20 April 2018.
4. The Respondent has failed to remove and is still resident in the property.

- Reasons for Decision

The Tribunal was satisfied that the requirements of section 33 of the Housing (Scotland) Act 1988 have been complied with by the Applicant. The tenancy has reached its end, tacit relocation is not in operation, there is no further contractual tenancy in existence and the landlord has served on the tenant a notice stating that he requires repossession of the house. Accordingly, the Tribunal is satisfied that the Order for Possession of the Property should be granted as sought.

- Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) granted an order against the Respondent(s) for possession of the Property under section 33 of the Housing (Scotland) Act 1988.

## 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.

# Fiona Watson

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Legal Member/Chair

28/8/18  
Date