

Housing and Property Chamber
First-tier Tribunal for Scotland



Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 33 of the Housing (Scotland) 1988

Chamber Ref: FTS/HPC/EV/22/1361

Re: Property at 7 Langside Drive, Blackridge, EH48 3RP (“the Property”)

Parties:

Mrs Diane Graffen, Threewood Cottage, Larbet, FK5 4RY (“the Applicant”)

Mr Erling Dahle, 7 Langside Drive, Blackridge, EH48 3RP (“the Respondent”)

Tribunal Members:

Mark Thorley (Legal Member) and Elizabeth Dickson (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order of eviction be granted

BACKGROUND

The applicant applied to the first tier tribunal for Scotland (Housing and Property Chamber (“The Tribunal)) by application which was acknowledged by the Tribunal on the 13th of June 2022.

Accompanying the application as the following documentation:

- Form 86
- Notice to Quit dated 23rd September 2021
- Section 33 notice dated 23rd September 2021
- Short Assured Tenancy Agreement dated 27th February 2013

The Tribunal sought further information. That was supplied.

The Tribunal accepted the application for determination on 9th November 2022.

Service of the paperwork was made upon the Respondent by Sheriff Officers.

The Respondent did not provide any written representations.

CASE MANAGEMENT DISCUSSION

At the Case Management Discussion, Mr Buchanan from Buchanan Burton solicitors appeared on behalf of the applicant. The Respondent attended along with a supporter namely his daughter.

The Respondent indicated that he did not wish legal representation. He had received the paperwork. He acknowledged that the applicant wished to sell the property. He had been looking for alternate accommodation. He had contacted his local authority. He had been looking at private residential property. He had not been able to find alternate accommodation. He was aware that the Local Authority needed an order to be granted to ensure that he was provided with accommodation. He accepted that he would likely end up in temporary housing.

FINDINGS IN FACT

The parties entered into a Short Assured Tenancy Agreement for the rental of the property at 7 Langside Drive, Blackridge, EH48 3RP on 27th February 2013.

The applicant wishes to sell the property as her mortgage has come to an end.

The applicant no longer works and is a carer and is at an age where she is unable to secure a further mortgage.

The necessary paperwork has been served upon the respondent.

REASONS FOR DECISION

Parties were effectively in agreement that an order was to be granted. The Respondent was aware that the applicant needed to sell the property. He did not dispute this nor did he challenge it.

His priority was to obtain alternate accommodation. He has been living in the rented property for approximately ten years. He has sought other accommodation but has no accommodation available as yet.

Standing that there was no contradictor to the order being granted, the Tribunal was satisfied in the circumstances that an order should be made.

DECISION

To make an order for eviction.

-

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.

Since an appeal is only able to be made on a point of law, a party who intends to appeal the tribunal's decision may wish to request a Statement of Reasons for the decision to enable them to identify the point of law on which they wish to appeal. A party may make a request of the First-tier Tribunal for Scotland (Housing and Property Chamber) to provide written reasons for their decision within 14 days of the date of issue of this decision.

Where a Statement of Reasons is provided by the tribunal after such a request, the 30 day period for receipt of an application for permission to appeal begins on the date the Statement of Reasons is sent to them.

M Thorley

20/02/2023

Legal Member/Chair

Date