



**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/21/2976**

**Re: Property at 243 Alderman Road, Knightswood, Glasgow, G13 3AY (“the  
Property”)**

**Parties:**

**Mr George Momo, Basement Apt, 34 Newbold Terrace East, Leamington Spa,  
CV32 4EY (“the Applicant”)**

**Ms Michelle Gourley, 243 Alderman Road, Knightswood, Glasgow, G13 3AY  
(“the Respondent”)**

**Tribunal Members:**

**Neil Kinnear (Legal Member) and Elizabeth Currie (Ordinary Member)**

**Decision**

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

**Background**

This was an application dated 30<sup>th</sup> November 2021 and brought in terms of Rule 66 (Application for order for possession upon termination of a short assured tenancy) of *The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017* as amended.

The Applicant provided with his application copies of the short assured tenancy agreement, form AT5, notice to quit, section 33 notice, Section 11 notice, and relevant proof of service.

All of these documents and forms had been correctly and validly prepared in terms of the provisions of the *Housing (Scotland) Act 1988*, and the procedures set out in that Act had been correctly followed and applied.

The Respondent had been validly served by sheriff officers with the notification, application, papers and guidance notes from the Tribunal on 28<sup>th</sup> January 2022, and the Tribunal was provided with the execution of service.

### **Case Management Discussion**

A Case Management Discussion was held at 14.00 on 9<sup>th</sup> March 2022 by Tele-Conference. The Applicant did not participate, but was represented by Mrs McMaster, letting agent. The Respondent participated, and was not represented.

The Tribunal was invited by Mrs McMaster with reference to the application and papers to grant the order sought.

The Respondent confirmed that she did not oppose the granting of the order sought. She explained that she was in the process of trying to obtain suitable housing from her local authority for herself and her five children, some of whom have special needs. Her main concern was that she be given sufficient time to attempt to obtain suitable accommodation.

Mrs McMaster confirmed that she had considerable sympathy with the Respondent's position, and was happy to discuss matters further with her in an effort to assist her. The Applicant, however, required to sell the Property for financial reasons and as a result did need possession relatively quickly.

### **Statement of Reasons**

In terms of Section 33 of the *Housing (Scotland) Act 1988* as amended, the Tribunal may make an order for possession of the house let on the tenancy if:

- (1) the short assured tenancy has reached its ish;
- (2) tacit relocation is not operating;
- (3) the landlord has given to the tenant notice stating that he requires possession of the house; and
- (4) it is reasonable to make an order for possession.

All of the above criteria have been satisfied in this application, and accordingly the Tribunal shall make an order for possession. The Respondent did not oppose the granting of the order, was in the process of attempting to obtain local authority housing, and did not seek to argue that it was not reasonable for the Tribunal to grant the order sought.

The Tribunal recognised that the Applicant does require possession relatively soon so that he can sell the property for financial reasons. However, the Tribunal requires to balance this against the time the Respondent requires to obtain alternative accommodation which is suitable for herself and her family. Having done so, the Tribunal provided that its order is not to be executed prior to 12 noon on 30<sup>th</sup> June 2022, in terms of Rule 16A(d) of *The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017* as amended.

## **Decision**

In these circumstances, the Tribunal will make an order for possession of the house let on the tenancy as sought in this application.

## **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: Neil Kinnear**

**Date: 9<sup>th</sup> March 2022**