



**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/22/0616**

**Re: Property at 1 Broomyknowe Drive, Deans, West Lothian, EH54 8BY (“the Property”)**

**Parties:**

**Red Box Property Ltd, 19/19 Salamander Place, Edinburgh, EH6 7JJ (“the Applicant”)**

**Ms Linda Forrest, 1 Broomyknowe Drive, Deans, Livingston, EH54 8BY (“the Respondent”)**

**Tribunal Members:**

**Neil Kinnear (Legal Member) and Mary Lyden (Ordinary Member)**

**Decision**

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

**Background**

This was an application dated 1<sup>st</sup> March 2022 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 its 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 31<sup>st</sup> March 2022, and the Tribunal was provided with the execution of service.

### **Case Management Discussion**

A Case Management Discussion was held at 10.00 on 28<sup>th</sup> April 2022 by Tele-Conference. The Applicant's Mr Morris participated, and the Applicant was not represented. The Respondent participated, and was not represented.

The Tribunal was invited by Mr Morris 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 four children. She was also now in receipt of some benefits payments to assist her financially.

### **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 end;
- (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.

### **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: 28 April 2022**