



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 18(1) of the Housing (Scotland)
Act 1988**

Chamber Ref: FTS/HPC/EV/23/0496

Re: Property at 1/1 45 Lyon Street, Dundee, DD4 6RA (“the Property”)

Parties:

Rooftop Mortgages Limited, 65 Gresham Street, London, EC2V 7NQ (“the Applicant”)

Michael David Fraser Gow, 1/1 45 Lyon Street, Dundee, DD4 6RA (“the Respondent”)

Tribunal Members:

Lesley-Anne Mulholland (Legal Member) and Eileen Shand (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an Order for Possession be granted against the Respondent.

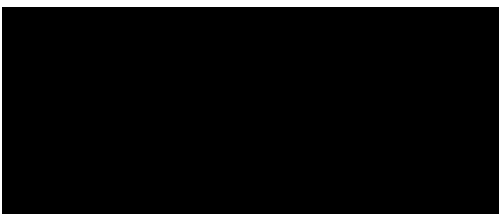
1. This is an application under Section 18(1) of the Housing (Scotland) Act 1988 for an Order for Possession under Ground 2 of Schedule 5.
2. The Applicant is the heritable creditor of the property. The Respondent is the tenant.
3. A two-member Case Management Discussion (CMD) took place at 10.00 am on 12 June 2023 by teleconference. The Applicant was represented by Miss Baxter, Solicitor, as instructed by TLT Llp. Ms Falconer, Solicitor, at Dundee Law

Centre represented the Respondent. There were no issues with sound and connectivity.

4. It is useful here to set out the background to this application. The Respondent entered into a short-assured tenancy agreement in 2011. The landlord at that time was Angela Jane Baird. A Decree under the Conveyancing and Feudal Reform (Scotland) Act 1970 was granted at Dundee Sheriff Court on 2 September 2021 in favour of Rooftop Mortgages Limited against the said Angela Jane Baird for possession of the property at 1/1 45 Lyon Street, Dundee, DD4 6RA.
5. Rooftop Mortgages Ltd has the right, as recorded in the General Register of Sasines applicable to the County of Angus on 4 June 2007, to exercise in relation to the property, all powers competent to a creditor in lawful possession of security subjects including the power of sale of the said security subjects, all in terms of the Conveyancing and Feudal Reform Act 1970, as amended.
6. It was accepted by Ms Falconer, that the Respondent has no defence to the Order sought being granted however he could not consent to the Order being granted in case the Local Authority treated him as having made himself intentionally homeless.
7. Having regard to all the information before us, individually and together, we were satisfied that the making of an Order for Possession was reasonable in all of the circumstances. Accordingly, this Order was granted.

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/Chair

Date 12 June 2023