



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 (“The Act”)

Chamber Ref: FTS/HPC/EV/22/3961

Re: Property at 39 Hardgate Drive, Glasgow, G51 4XW (“the Property”)

Parties:

Ms Shabana Siddiq, 323 Brockburn Road, Glasgow, G53 5TJ (“the Applicant”)

Ms Kirsty Diamond, 39 Hardgate Drive, Glasgow, G51 4XW (“the Respondent”)

Tribunal Members:

Andrew McLaughlin (Legal Member) and Helen Barclay (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) decided to grant the Application and made an Eviction Order.

Background

The Applicant seeks an Eviction Order in terms of section 33 of the Act. The Application is accompanied by a copy of the tenancy agreement between the parties, the notice under section 33 of the Act relied on together with a notice to quit. Prior to the Case Management Discussion, Govan Law Centre had confirmed that they were now instructed and had submitted representations suggesting that it would not be reasonable to grant the order sought.

The Case Management Discussion

The Application called for a Case Management Discussion (CMD) by conference call at 2pm on 21 February 2023. The Applicant was represented by Ms Simpson. The Respondent was represented by Ms Sloey of Govan Law Centre. Ms Sloey confirmed that the Respondent now intended to leave the Property and anticipated doing so in the next few weeks.

Ms Sloey invited the Tribunal to either continue the Application to another CMD to allow this to happen or alternatively make an order with a delayed date of possible execution. The Tribunal noted that this Application had been submitted to the Tribunal on 31 October 2022. Consequently, it was captured by the terms of The Cost of Living (Tenant Protection) Act 2022. This being the case, any order granted would naturally have a delayed date of potential enforcement. Having heard from parties and having considered the Application, the Tribunal made the following findings in fact.

- I. *The parties entered into a tenancy agreement whereby the Applicant let the Property to the Respondent on a Short-Assured Tenancy Agreement that commenced on 6 October 2012;*
- II. *The Applicant subsequently competently served a notice under s33 of the Act and a notice to quit;*
- III. *The section 33 notice called upon the Respondent to vacate the Property by 6 October 2022. This date tied in with the ish date of the tenancy;*
- IV. *The Respondent failed to remove herself from the Property by this date;*
- V. *The Respondent now wishes to leave the Property and has identified alternate accommodation that she intends to move into over the course of the next few weeks;*
- VI. *The Application engages the terms of The Cost of Living (Tenant Protection) Act 2022;*
- VII. *Having heard the full circumstances of the Application, it is reasonable that an Eviction Order is granted.*

Decision

Having made the above findings in fact, the Tribunal decided to grant the Application and made an Eviction Order.

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.

A. McLaughlin

Legal Member/Chair:

Date: 21st February 2023