



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/23/2301

Re: Property at 11A Stewart Street, Barrhead, G78 1UZ (“the Property”)

Parties:

Ms Serena Kaur, 14 Ballantrae Crescent, Newton Mearns, G77 5TX (“the Applicant”)

Ms Stephanie Foote, 11A Stewart Street, Barrhead, G78 1UZ (“the Respondent”)

Tribunal Members:

Andrew McLaughlin (Legal Member) and Elizabeth Williams (Ordinary Member)

Decision

[1] The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted the Application and made an Eviction Order.

Background

[2] The Applicant seeks an Eviction Order under s33 of the Act. The Application is accompanied by the following documentation: a copy of the tenancy agreement; the notice to quit; the notice under s33 of the Act; proof of service of the notice and the notice under s 11 of the Homelessness (etc) (Scotland) Act 2003.

The Case Management Discussion

[3] The Application called for a Case Management Discussion (CMD) by conference call at 2pm on 1 November 2023. The parties were both present. The Respondent had her

brother with her as a supporter. The Tribunal listen carefully to each side's position. Having done so, the Tribunal made the following findings in fact,

Findings in Fact

- I. *The Applicant let the Property to the Respondent by virtue of a Short-Assured Tenancy within the meaning of the Act;*
- II. *The Applicant competently ended the contractual tenancy between the parties by serving a notice to quit and notice under section 33 of the Act on the Respondent. The Respondent however remains in occupation;*
- III. *The Applicant has served the relevant notice under s 11 of the Homelessness (etc) (Scotland) Act 2003;*
- IV. *The Respondent finds herself requiring the support of the housing authorities through no fault of her own. She has two young children;*
- V. *The Respondent has been liasing with the housing authorities and will continue to receive their support;*
- VI. *The Applicant herself requires to sell the Property as she is in financial difficulties and has recently taken on the care of her grandson. The Applicant does not wish to continue to be a landlord and this is her only investment property;*
- VII. *It is reasonable to make an Eviction Order.*

Decision

[4] Having made the above findings in fact, the Tribunal acknowledges that this is an unfortunate situation that it likely to cause stress and anxiety to the Respondent. Nevertheless, the Tribunal grants the Application having satisfied itself that it is reasonable to do so in the whole circumstances of the case.

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

1 November 2023

Date