



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber)**

Chamber Ref: FTS/HPC/EV/23/3176

Re: Property at 17/1 Loganlea Terrace, Edinburgh, EH7 6NS (“the Property”)

Parties:

Ms Susan Gregory, 34 Marionville Drive, Edinburgh, EH7 6BW (“the Applicant”)

Ms Emma Webb, 17/1 Loganlea Terrace, Edinburgh, EH7 6NS (“the Respondent”)

Tribunal Members:

Virgil Crawford (Legal Member) and Elizabeth Williams (Ordinary Member)

Decision

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

BACKGROUND

1. The Applicant is the mother of the Respondent. By way of an informal arrangement between them, it was agreed that the Applicant would let the property to the Respondent. That arrangement has subsisted, without any written lease, since 2003.
2. In recent years, the Respondent has been failing to maintain the Property and, in particular, the garden grounds attached thereto. As a result, the Applicant served a Notice to Quit and a Notice in terms of s19 of the Housing (Scotland) Act 1988 – commonly known as a Form AT6 – on the Respondent advising that the Applicant intended raising proceedings to seek recovery of possession of the Property.
3. The Applicant thereafter raised proceedings before the Tribunal seeking an order for eviction.

THE CASE MANAGEMENT DISCUSSION

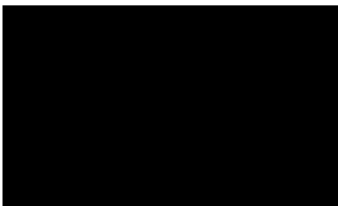
4. A Case Management Discussion was assigned and took place by way of teleconference at 10am on 29 January 2024. The Applicant did not participate personally but was represented by Miss C Mullen of Messrs TC Young, Solicitors, Glasgow. The Respondent participated personally.
5. Miss Mullen moved the Tribunal to grant an eviction order on the grounds stated. She relied upon the information contained within the application which contained written submissions and photographs showing the condition of the garden grounds at the Property which, clearly, have not been maintained for some time and will require significant work to be undertaken to them.
6. The Respondent did not object to that. Indeed, the Respondent advised that she needed an eviction order to enable her to secure alternative accommodation. She advised she had previously completed an application for alternative accommodation but it could not proceed. She needs an eviction order to enable the local authority to provide accommodation to her. She advised that she has been trying to deal with this for two years now.
7. The Respondent advised the Tribunal that she lives alone and it was evident that, not only was she not opposing the application, she was positively wishing an eviction order to be granted.
8. In the circumstances, the Tribunal had little hesitation in concluding that it was reasonable in the circumstances that an order for eviction be granted.

DECISION

The Tribunal granted an order against the Respondent for possession of the Property under section 18 and ground 14 of Schedule 5 of the Housing (Scotland) Act 1988.

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.



29th January 2024

Legal Member/Chair

Date