



**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/23/3732

**Re: Property at 24 Muirton Drive, Bishopbriggs, Glasgow, G64 3AS (“the
Property”)**

Parties:

**Anne Morrison, Ronald Morrison, 15 Thorn Drive, Bearsden, Glasgow, G61 4ND
 (“the Applicant”)**

**Miss LEEANNE BERRY, 24 Muirton Drive, Bishopbriggs, Glasgow, G64 3AS (“the
Respondent”)**

Tribunal Members:

Lesley Ward (Legal Member) and Elizabeth Williams (Ordinary Member)

1. Decision

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that an order for the eviction of the Respondent from the
property be made on the basis of the expiry of the short assured tenancy
agreement and on the basis that it is reasonable in all of the circumstances to
grant the eviction.**

**2. This was a case management discussion (‘CMD’) in connection with an application
in terms of rule 66 of the First-tier Tribunal for Scotland Housing and Property Chamber
(Procedure) Regulations 2017, ‘the rules’ and s 33 of the Housing (Scotland) Act 1988,
‘the Act’, for recovery of possession on termination of a short assured tenancy.**

**3. The Applicant was represented by Ms Alexandra Wooley solicitor. The Respondent
attended.**

4. The Tribunal had before it the following copy documents:

(1) Application dated 28 July 2023.

- (2) Tenancy agreement dated 24 April 2015 for the initial period of 24 April 2015 until 24 October 2015 and month to month thereafter.
- (3) Notice to quit dated 22 February 2023.
- (4) Section 33 notice dated 22 February 2023.
- (5) Letter from Clyde Property dated 20 October 2023.
- (6) AT5 dated 24 April 2015.
- (7) S11 notice and proof of service.
- (8) Land certificate.
- (9) Landlord registration details.
- (10) Proof of posting and proof of delivery of s33 notice and notice to quit.

6. Discussion

The Applicant is seeking an order for possession as they are both in their 70's and they want to help their family financially. They have a second property in St Andrews that they also let and they plan to transfer it to their daughter. The first applicant inherited the property from her mother and in 2023 it was transferred into the joint names of her and her husband Mr Ronald Morrison. The Applicant acknowledged that the Respondent has fulfilled her side of the tenancy but she received the notice to quit almost a year ago and the Applicant wish to implement their plan to sell.

The Respondent lives in the 2 story property with her son who is 23 years old. The Respondent has a diagnosis of degenerative disc disease and it in receipt of the enhanced mobility component of Personal Independence Payment. The Respondent has difficulty getting up and down the stairs in the property at times and she can spend her day upstairs where she has a sitting room and bathroom. There is no bathroom downstairs. The Respondent has tried to seek alternative accommodation and she is on the housing list. The homeless department will not provide housing until the order is granted. The Respondent has tried to find alternative private housing without success. The Respondent acknowledged that due to the degenerative nature of her condition a property on one level would better meet her needs.

7. Findings in fact

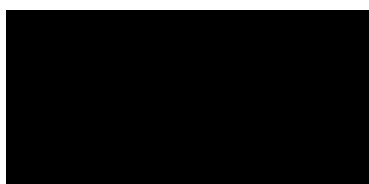
- The Applicant is the owner of the property.
- The first named Applicant is the registered landlord.
- The first named Applicant and the Respondent entered into a short assured tenancy for let of the property on 24 April 2015 for the initial period of 6 months to 24 October 2015 and month to month thereafter. .
- The Applicant served a valid notice to quit and AT6 on 22 February 2023.
- The tenancy has reached its ish and tacit relocation is not operating.
- The Applicant wishes to sell the property and have instructed an estate agency.
- The Respondent wishes to continue to live in the property.
- The Respondent has a diagnosis of degenerative disc disease and she is eligible for the enhanced mobility component of personal independence payment.
- The Respondent finds it hard to manage the stairs in the property at times.

8. Reasons

This was an application for recovery of possession on the expiry of a short assured tenancy. The Respondent has been served with a valid notice to quit and section 33 notice. The possession ground was therefore established and the Tribunal went on to consider the reasonableness of the order. The Tribunal was satisfied that the Applicant has a good reason to sell and it is almost a year since the notices were served so the Respondent has had time to make alternative arrangements, The Respondent is aware that the homeless department of the local authority cannot rehouse her until the order is granted. It also appears the property no longer meets the Respondent needs due to her condition. Taking all matters into account the Tribunal was satisfied that it had sufficient information before it to make a decision and the procedure had been fair. The Tribunal was satisfied that it is reasonable in all of the circumstances for the order for possession to be granted. Turning to the date for enforcement the Tribunal was mindful that Paragraph 1 of Schedule 2 of the Cost of Living (Tenant Protection) (Scotland) Act 2022 is due to expire on 31 March 2024 and that this would be the earliest date for eviction unless the provisions are extended. Assuming it is not extended the Tribunal decided to postpone the enforcement of the order until 30 April 2024 to give the Respondent a little more time to secure alternative accommodation.

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

15 February 2024

Date