

Housing and Property Chamber
First-tier Tribunal for Scotland



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

Chamber Ref: FTS/HPC/EV/23/4294

Re: Property at 15 North Grange Avenue, Prestonpans, EH32 9LN (“the Property”)

Parties:

Mrs Julie Marie Lennox, 1 Torry Wynd, Dunbar, EH42 1XZ (“the Applicant”)

**Miss Stacey Clapperton, 15 North Grange Avenue, Prestonpans, EH32 9LN
 (“the Respondent”)**

Tribunal Members:

Virgil Crawford (Legal Member) and Eileen Shand (Ordinary Member)

Decision

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

BACKGROUND

1. By lease dated 2 October 2012 the Applicant let the property to the Respondent. Prior to the lease being signed a notice in terms of s32 of the Housing (Scotland) Act 1988 (“the 1988 Act”) was signed by the Respondent. The lease is, therefore, a short assured tenancy.
2. A Notice to Quit and a Notice in terms of s33 of the 1988 Act were served upon the Respondent on 4 August 2023.
3. A Notice in terms of s11 of the Homelessness Etc. (Scotland) Act 2003 was intimated to the Local Authority.
4. The Applicant thereafter presented an Application to the Tribunal seeking an order of eviction of the Respondent from the Property. The Applicant advised she intended to sell the Property once vacant possession was obtained.

THE CASE MANAGEMENT DISCUSSION

5. A Case Management Discussion was held by teleconference at 2pm on 29 April 2024. Both Parties participated personally.
6. The Applicant moved the Tribunal to grant an eviction order. She confirmed it was still her intention to sell the Property once vacant possession was obtained.
7. The Respondent advised the Tribunal that she had no objection to an eviction order being granted. She told the Tribunal she had been advised by her local authority to remain within the Property until an eviction order was granted, it being explained to her that if she vacated the property before then she would be considered to be intentionally homeless. In the circumstances, therefore, she was content for an eviction order to be granted to assist her future dealings with the local authority with a view to securing alternative accommodation.
8. The Respondent advised that she lived at the property with her 14 year old son. He attended a local school and goes to college one day per week. There are no significant health concerns affecting either herself nor her son which she would wish to rely upon to object to an eviction. She again made it clear she was content for an eviction order to be granted. She has been allocated a housing officer by the local authority and was simply awaiting an eviction order from the Tribunal to progress matters with the housing officer.
9. In the circumstances, given the agreement between the parties in relation to an order being granted, the Tribunal granted an order for eviction.

DECISION

The Tribunal granted an order against the Respondent for possession of the Property under section 33 of the Housing (Scotland) Act 1988.

Order not to be executed prior to 12 noon on 5 June 2024

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.



29 April 2024

Legal Member/Chair

Date