



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/23/4576

Re: Property at 16/1 Carlton Terrace, Edinburgh, EH7 5DD (“the Property”)

Parties:

Yue (otherwise Elizabeth) Yu, 22/3 Colinton Road, Edinburgh, EH10 5EQ (“the Applicant”)

Mr George Simpson, 16/1 Carlton Terrace, Edinburgh, EH7 5DD (“the Respondent”)

Tribunal Members:

Andrew McLaughlin (Legal Member) and Helen Barclay (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 Section 33 of the Act. The relevant notice under Section 33 and a Notice to Quit have been served on the Respondent. The Application was accompanied by a copy of the relevant tenancy agreement; the relevant notice under Section 11 of the *Homelessness (etc) (Scotland) Act 2003*; the notice served under Section 33 of the Act; the relevant notice to quit and proof of service of both notices.

The Case Management Discussion

[3] The Application called for a Case Management Discussion (“CMD”) by conference call at 10 am on 18 June 2024. The Applicant was represented by Mr Runciman, solicitor. The Respondent was personally present.

[4] The parties explained that they had agreed a settlement whereby the Respondent would agree to the Eviction Order being granted and would vacate the Property by 30 June 2024 in exchange for the Applicant withdrawing a related case in which a Payment Order was sought for rent arrears said to have been accrued by the Respondent.

[5] Having heard from parties, the Tribunal made the following findings in fact:

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 within the meaning of the Act;*
- II. *The Applicant competently served a notice under Section 33 of the Act and a notice to quit which competently ended the contractual tenancy agreement between the parties;*
- III. *The Applicant has complied with Section 11 of the Homelessness (etc) (Scotland) Act 2003;*
- IV. *The Respondent has agreed to vacate the Property in return for a related Application in respect of rent arrears being withdrawn.*

Reasons for Decision

[5] Having made the above findings in fact, the Tribunal considered that the tenancy had been ended under Section 33 of the Act. It was also reasonable to grant the Eviction Order. The Tribunal therefore granted the Application.

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.

Andrew McLaughlin

Legal Member/Chair

18 June 2024

Date