



**Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 18 of the Housing (Scotland) Act 1988**

**Chamber Ref: FTS/HPC/EV/24/0366**

**Re: Property at 88 Greenlee Drive, Dundee, DD2 2RJ (“the Property”)**

**Parties:**

**Mr George Walker, 33 Mauchline Avenue, Dundee, DD4 8HR (“the Applicant”)**

**Ms Lee Archibald, 88 Greenlee Drive, Dundee, DD2 2RJ (“the Respondent”)**

**Tribunal Members:**

**Nicola Irvine (Legal Member) and Frances Wood (Ordinary Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant is entitled to the Order sought for recovery of possession of the property.**

**Background**

1. The Applicant submitted an application under Rule 65 for an order to evict the Respondent from the property.
2. A Convenor of the Housing and Property Chamber (“HPC”) having delegated power for the purpose, referred the application under Rule 9 of the Rules to a case management discussion (“CMD”).
3. Letters were issued on 22 April 2024 informing both parties that a CMD had been assigned for 3 June 2024 at 2pm, which was to take place by conference call. In that letter, the parties were also told that they were required to take part in the discussion and were informed that the Tribunal could make a decision today on the application if the Tribunal has sufficient information and considers the procedure to have been fair. The Respondent was invited to make written representations by 13 May 2024.

4. On 10 May 2024, the Tribunal received written representations on behalf of the Respondent.

### **The case management discussion**

5. The CMD took place by conference call. The Applicant was represented by Mr Calvin Gordon, solicitor and the Respondent by Mrs Colette Goodson, solicitor. The Tribunal explained the purpose of the CMD. The Applicant's representative explained that the Applicant's property in Spain has still not been sold. The Applicant will not have access to capital in the near future. He is unable to work because of health issues. The Applicant intends to move into the let property to alleviate financial hardship. The Respondent has been in touch with the local authority, although no alternative accommodation has yet been identified. The Respondent lives with her 18 year old son. Although the Respondent did not consent to the application, there was no factual dispute between the parties.
6. The Tribunal adjourned briefly to consider the information provided by both parties' representatives. The Tribunal explained that it found the ground of eviction established and that it was reasonable to grant the order.

### **Findings in Fact**

7. The parties entered into an assured tenancy which commenced 1 November 2013.
8. The Applicant served Notice to Quit and Notice of Proceedings (AT6) on the Respondent by email on 22 August 2023.
9. The Applicant intends to live in the let property.

### **Reason for Decision**

10. The Tribunal proceeded on the basis of the documents lodged and the submissions made at the CMD. The Applicant relied upon ground 1A of the Housing (Scotland) Act 1988. The Respondent did not dispute that the Applicant intends to live in the property. The Respondent is waiting on the local authority providing alternative accommodation. The Tribunal was satisfied that ground 1A had been established and that it was reasonable to grant the order sought.

### **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.

Since an appeal is only able to be made on a point of law, a party who intends to appeal the tribunal's decision may wish to request a Statement of Reasons for the decision to enable them to identify the point of law on which they wish to appeal. A party may make a request of the First-tier Tribunal for Scotland (Housing and Property Chamber) to provide written reasons for their decision within 14 days of the date of issue of this decision.

Where a Statement of Reasons is provided by the tribunal after such a request, the 30 day period for receipt of an application for permission to appeal begins on the date the Statement of Reasons is sent to them.

# Nicola Irvine

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Legal Member/Chair

**3 June 2024**  
Date

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