



**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/24/1521

Property: 25 Burnfoot Crescent, Paisley PA2 8NR ("Property")

Parties:

**Agnes Currie, Flat 9, 10 Spiersfield Gardens, Stevenson Street, Paisley PA2 6BP
("Applicant")**

**Let It, Suite 3 Third Floor, Merlin House, 20 Mossland Road, Hillington Park,
Glasgow G52 4XZ ("Applicant's Representative")**

**Lorna Thompson and Gary Thompson, 25 Burnfoot Crescent, Paisley PA2
8NR ("Respondent")**

Tribunal Members:

Joan Devine (Legal Member)

Elaine Munroe (Ordinary Member)

Decision

**The First-tier Tribunal for Scotland (Housing and Property Chamber)
("Tribunal") determined that an order for possession of the Property should be
made.**

Background

The Applicant sought recovery of possession of the Property. The Applicant had lodged Form E. The documents produced were: Short Assured Tenancy Agreement and AT5 dated 22 June 2012; Notice to Quit dated 22 September 2023 and Notice in terms of section 33 of the Housing (Scotland) Act 1988 ("1988 Act") dated 31 August 2023 addressed to each Respondent; royal mail certificate of posting dated 31 August 2023 and notification to the Local Authority in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003. The Tribunal had sight of a sheriff officer's execution of service confirming service of the Application on the Respondent on 13 September 2024. On 15 October 2024 the First Respondent sent an email to the Tribunal in which she stated that she and the Second Respondent would not join the Case Management Discussion fixed for 16 October 2024. The Tribunal responded to the email noting that

the Tribunal could proceed to make a decision in the absence of a party and explained to the First Respondent that if a postponement was sought a full explanation should be provided as to why a postponement was requested. The First Respondent sent an email in response in which she said she was not seeking a postponement.

Case Management Discussion (“CMD”)

A CMD took place on 16 October 2024. The Applicant was represented by Finlay Dunsmore of the Applicant’s Representative. The Respondent was not in attendance.

Mr Dunsmore told the Tribunal that he had been working with the Respondent to try to identify alternative accommodation in the private rented sector without success. He said he had also been in touch with Renfrewshire Council homeless unit. Their position was that they would step in “when required”. He said that he understood that the Respondent had a disabled son who he thought may have been in his late teens. He said there was the possibility of the Applicant selling the Property with the Respondent in place as tenant but no agreement had been reached as yet.

Mr Dunsmore told the Tribunal that the Applicant wishes to sell the Property. He said she is 78 years old and has health issues. He said she lives in sheltered accommodation and her health issues are such that she cannot carry on being a landlord.

Findings in Fact

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent had entered into a tenancy agreement dated 22 June 2012.
2. The tenancy was for the period commencing 22 June 2012 to 22 December 2012 and month to month thereafter.
3. A Notice to Quit dated 22 September 2023 was served on the Respondent stating that the tenancy would terminate on 22 November 2023.
4. A Notice in terms of Section 33 of the 1988 Act dated 31 August 2023 was served on the Respondent stating that possession of the property was required on 22 November 2023.
5. The tenancy reached its *ish* on 22 November 2023 and is not continuing by tacit relocation.
6. Notification was provided to the Local Authority in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003.

Reasons for the Decision

The Tribunal determined to make an Order for possession of the Property in terms of Section 33 of the 1988 Act. The Tribunal noted that the tenancy had been properly created as a short assured tenancy and that a Section 33 Notice and Notice to Quit had been served on the Respondent giving two months' notice that the Applicant required possession of the Property.

Having considered all of the circumstances, including the oral representations by the Applicant's Representative, and in the absence of a submission from the Respondent, the Tribunal determined that it was reasonable to issue an eviction order.

Decision

The Tribunal grants an Order for possession of the Property.

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.

Joan Devine

Legal Member

Date: 16 October 2024