



**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**

Reference number: FTS/HPC/EV/24/1716

Order granted on 17 October 2024.

**Re: Property at 27 Regent Place, Dalmuir, Clydebank, G81 3SG (“the Property”)**

**Parties:**

**William Williams and Elizabeth Williams, residing together at 41 Balerno Circle, Renfrew, PA7 5FF (“the Applicants”)**

**Ms Julia Ryan, residing at 27 Regent Place, Dalmuir, Clydebank, G81 3SG (“the Respondent”)**

**Tribunal Members:**

**Paul Doyle (Legal Member)**  
**Elizabeth Dickson (Ordinary member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) makes an order for possession of the Property in terms of Section 33 of the Housing (Scotland) Act 1988**

**Background**

1. The Applicants ask for recovery of possession of the Property in terms of Section 33 of the Housing (Scotland) Act 1988. The Applicants lodged with the Tribunal Form E dated 16/04/2024. The documents produced were a Tenancy Agreement, a Notice to Quit and s.33 notice, both served on 21 August 2023, together with a notice under s.11 of the Homelessness (Scotland) Act 2003. A copy land certificate was lodged with the Tribunal which showed that the applicants are the heritable proprietors of the Property.

## **Case Management Discussion**

2. A case management discussion took place by telephone conference at 10am on 17 October 2024. The Applicants were represented by Ms M Gabriel of Clydebank Estate Agents. The Respondent was present and unrepresented.

3. The Respondent told us that the application is not opposed. The Respondent has applied to the Local Authority for housing, but her application will only be given serious consideration when a repossession order is granted.

## **Findings in Fact**

4. The Tribunal made the following findings in fact:

(i) The Applicant and the Respondents entered into a short-assured tenancy Agreement for the Property dated 02/10/2017. The lease initially ran from 02/10/2017 to 03/04/2018.

(ii) The rent in terms of the Tenancy Agreement was £550 per month.

(iii) The Tenancy Agreement set out the grounds on which the Landlord could seek recovery of possession of the Property in terms of Schedule 5 of the 1988 Act.

(iv) A notice to quit and a s.33 notice were served on the Respondent on 21/08/2023. The tenancy is a short-assured tenancy, and the Respondent received the notice to quit and the s.33 notice timeously. The s.33 notice brought the tenancy to an end on 15/04/2024.

(v) The Respondent offers no resistance to this application. The Respondent lives with her husband in the property. They have applied to the local authority for alternative housing. The local authority will rehouse the respondent and her husband once an order is granted.

## **Reasons for the Decision**

5. The Tribunal determined to make an Order for possession of the Property in terms of Section 33 of the 1988 Act. The tenancy was a short-assured tenancy. Correct notice was given which brought the short-assured tenancy to an end on 15/04/2024. The basis for possession set out in s.33 of the 1988 Act is established.

6. The Respondent offers no resistance to the application. The finite time for occupancy of the property as a short-assured tenancy has come to an end.

7. It is not argued that it is unreasonable to grant an order for repossession of the property. The weight of reliable evidence indicates that it is reasonable to grant an order for repossession of the property.

8. For these reasons, the Tribunal determined to grant an Order for possession.

### **Decision**

The Tribunal determined to make an Order for possession.

### **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.**

Melanie Barbour

*Doyle*

**Date: 17 October 2024**

**Paul Doyle**