



**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 (Act)**

**Chamber Ref: FTS/HPC/EV/24/2601**

**Re: Property at Flat A Julesberry, Back Street, Bridge of Earn, Perthshire, PH2 9AB (“the Property”)**

**Parties:**

**Ms Julie Mann, 61 Balmanno Park, Bridge of Earn, PH2 9RL (“the Applicant”)**

**Mr Alexander Logue, Flat A Julesberry, Back Street, Bridge of Earn, Perthshire, PH2 9AB (“the Respondent”)**

**Tribunal Members:**

**Alan Strain (Legal Member) and Elizabeth Williams (Ordinary Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application for eviction and recovery of possession be granted.**

This is an application under section 33 of the Act and Rule 66 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (**Regulations**) in respect of the termination of a Short-Assured Tenancy (**SAT**).

The Tribunal had regard to the following documents lodged in advance of the Hearing:

1. Application received 7 June 2024;
2. AT5 and SAT commencing 1 September 2016;
3. Notice to Quit dated 19 February 2024;
4. Section 33 Notice dated 19 February 2024;
5. Certificate of service of Notice to Quit and Section 33 Notice on 19 February 2024;
6. Section 11 Notice and email serving on local authority on 6 June 2024;
7. Sheriff Officer certificate of service of CMD Notification on 27 September 2024.

## **Case Management Discussion (CMD)**

The case called for a CMD by conference call on 5 November 2024. The Applicant participated along with her solicitor, Mrs Jane McNicol. The Respondent participated and was supported by his sister, Dr Lesley Logue.

The Tribunal outlined the procedure to be followed and then heard from the Parties.

The Respondent does not oppose the application. He lives on his own in the Property. He has long standing mental health issues and wishes to remain in the locality as that is where his support network is. He has been in contact with the local authority and has an allocated Housing Support Officer. Once an order is granted he will make a homelessness application.

The Applicant inherited the Property following the death of her father in 2021. She does not wish to be a landlord, has health issues and wishes to sell the Property to alleviate financial pressure on herself and to facilitate her working part time. She has a mortgage on her own home and does not have any other Property.

## **Decision and Reasons**

The Tribunal considered the oral and documentary evidence. In so far as material the Tribunal made the following findings in fact:

1. The Parties let the subjects under a SAT commencing 1 September 2016;
2. An AT5 had been served prior to commencement of the SAT;
3. Notice to Quit and Section 33 Notice had been served on 19 February 2024;
4. Section 11 Notice had been served on the local authority on 6 June 2024;
5. The SAT had reached its term and had been terminated;
6. Tacit relocation was no longer operating;
7. No further contractual tenancy was in existence;
8. The Applicant had given the Respondent notice that they required possession;
9. The Respondent did not oppose the application and is in touch with the local authority;
10. The Applicant inherited the Property, has health issues and wishes to realise the sale proceeds to enable her to work part-time. She has no other Properties and an existing mortgage over her own home.

The Tribunal considered all of the evidence and submissions.

The Tribunal were satisfied that Rule 66 had been complied with.

The Tribunal were aware that it had to be satisfied that it was reasonable in the circumstances to grant the order sought. The Tribunal determined that it would be reasonable to grant the order sought in the circumstances.

The Tribunal considered that it was reasonable to grant the order sought in the circumstances and granted the application for eviction and recovery of possession. The Tribunal did not require to hear any further evidence.

## **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.**

Alan Strain

**Alan Strain**

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**Legal Member/Chair**

**5 November 2024**

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**Date**