



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/20/0266

Re: Property at 4 Easdale Place, Newton Mearns, G77 6XD (“the Property”)

Parties:

Mrs Susan McDonald, 3 Broomcroft Road, Newton Mearns, Glasgow, G77 5ER (“the Applicant”)

Mr James Imrie, Mrs Carol Imrie, 4 Easdale Place, Newton Mearns, G77 6XD (“the Respondent”)

Tribunal Members:

Lesley Ward (Legal Member)

Decision

- 1. The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for possession of the property at 4 Easdale Place Newton Mearns G77 6XD. The order will not be executed until after**
- 2. This was an application in terms of rule 66 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017, ‘the rules’ and s33 of the Housing (Scotland) Act 1988 to recover possession of the property.**
- 3. The tribunal had before it the following copy documents:**
 - (a) Application dated 27 January 2020 and received by the tribunal on that date.**
 - (b) Short assured tenancy agreement dated 9 January 2015,**
 - (c) AT5 dated 9 January 2015.**
 - (d) Notice to quit dated 6 November 2019.**
 - (e) S33 notice dated 6 November 2019.**
 - (f) Sheriff Officer’s execution of service of the notice to quit and s33 notice dated 7 November 2019.**

- (g) S11 notice.
- (h) Land certificate.
- (i) Sheriff Officer's execution of service of the application and CMD details on respondents dated 17 February 2020.

Discussion

4. The applicant representative Mr Graham McDonald attended the CMD. The first respondent Mr Imrie attended. The parties have agreed that the respondents will move out of the property no later than 11 April 2020 as the respondents have obtained a new property. The tribunal raised the possibility of making an order for the delayed enforcement of the order given the current uncertainty with the corona virus. Both parties were content that the order be granted today on the basis that the respondents expect to be able to move on 11 April 2020.

Findings in fact and law

5. The tribunal made the following findings in fact:
 - (a) The applicant is the owner of the property.
 - (b) The parties entered into a short assured tenancy for let of the property on 9 January 2015.
 - (c) The initial period was for a period of 6 months commencing on 9 January 2017 and ending on 9 July 2015.
 - (d) The agreement continued by tacit relocation.
 - (e) The respondents were served with a valid notice to quit on 7 November 2019.
 - (f) The tenancy reached its end on 9 January 2020.
 - (g) Tacit relocation is not now operating.
 - (h) No further contractual tenancy is in existence.

Reasons

6. This was a mandatory eviction ground. The short assured tenancy has reached its end. The respondents have agreed to move out of the property by 11 April 2020. Mr Imrie declined the opportunity of a longer period being granted given the current circumstances. The tribunal granted the mandatory 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.

Mrs Lesley A Ward

17 March 2020

Lesley A Ward Legal Member

Date