



**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/19/0447**

**Re: Property at 42 Redhall Road, Longstone, Edinburgh, EH14 2HN ("the Property")**

**Parties:**

**Mr David Dewar, Mrs Kathryn Dewar, 93 Ravelston Dykes Road, Edinburgh, EH4 3PA ("the Applicants")**

**Ms Gail Small, 42 Redhall Road, Longstone, Edinburgh, EH14 2HN ("the Respondent")**

**Tribunal Members:**

**Shirley Evans (Legal Member)**

**Decision**

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that an order against the Respondents for possession of the Property under section 18 of the Housing (Scotland) Act 1988 be granted. **The order will be issued to the Applicant after the expiry of 30 days mentioned below in the right of appeal section unless an application for recall, review or permission to appeal is lodged with the Tribunal by the Respondents.**

The order will include a power to Officers of Court to eject the Respondents and family, servants, dependants, employees and others together with their goods, gear and whole belongings forth and from the Property and to make the same void and redd that the Applicant or others in her name may enter thereon and peaceably possess and enjoy the same.

**Background**

1. By application dated 13 February 2018 the Applicants applied to the First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") for an order for eviction against the Respondent from the Property. A Case

Management Discussion ("CMD") was assigned for 1 April 2019. The Respondent submitted written representations to the Application together with a request to discharge the CMD on 27 March 2019. After consideration of the Respondent's request to discharge, the CMD assigned for 1 April 2019 was discharged and a new CMD was assigned to proceed on 14 May 2019.

2. The Tribunal issued a Notice of Direction on 1 April 2019 requiring both parties to lodge certain documents by 30 April 2019. The Applicants' solicitors lodged various documents on behalf of the Applicants. No documents were received on behalf of the Respondent by 30 April 2019.
3. On 1 May 2019, Messrs Basten Sneddon Solicitors wrote to the Tribunal on behalf of the Respondent and requested a prorogation of time to lodge the documents requested under the Notice of Direction. The Tribunal prorogated the time for the documents to be lodged on behalf of the Respondent until 7 May 2019. No documents were lodged on behalf of the Respondent.

#### **Case Management Discussion.**

4. The Tribunal proceeded with the Case Management Discussion on 14 May 2019. The Applicants were represented by Mr McKendrick from TC Young, Solicitors. Mr McKendrick advised he was also appearing of consent on behalf of the Respondent's solicitor, Graham Basten, Messrs Basten Sneddon, Solicitors
5. Mr McKendrick moved for an order for eviction and intimated that the Respondent was consenting to the order. He explained that his clients had given an undertaking that they would not use the order until after 13 August 2019.

#### **Decision**

6. The Tribunal considered the documents before it comprising an Assured Tenancy Agreement, a Notice to Quit and a Form AT6, rent statement and Section 11 Notice. The Tribunal was satisfied that the requirements of Section 18 of the Housing (Scotland) Act 1988 Act had been complied with. In the circumstances, the Tribunal was prepared to grant an order for repossession of consent of the Respondent.

#### **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.

Ms Shirley Evans

\_\_\_\_\_  
Legal Member/Chair

28 May 2019.  
\_\_\_\_\_  
Date