



**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/19/3004**

**Re: Property at 16 Woodend Road, Ayr, KA7 4QR (“the Property”)**

**Parties:**

**Mr Narinder Pal Singh Sangha, Seahaze, Spring Garden Farm, Ayr, KA7 4LA  
 (“the Applicant”)**

**Ms Marie Sharp, 16 Woodend Road, Ayr, KA7 4QR (“the Respondent”)**

**Tribunal Members:**

**John McHugh (Legal Member)**

**Decision**

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

**Background**

The Applicant is the landlord and the Respondent the tenant in terms of a short assured tenancy of the Property dated 12 March 2009.

**The Case Management Discussion**

A Case Management Discussion took place at Russell House, Ayr on 25 November 2019. The Applicant was represented by Kim Mackenzie and Andrew Tremble of his letting agents. The Respondent was present and assisted by her husband.

**Findings in Fact**

The Applicant is the landlord and the Respondent the tenant in terms of a short assured tenancy of the Property dated 12 March 2009.

On 11 June 2019, the Applicant served Notice to Quit and a notice under section 33 of the Housing (Scotland) Act 1988 upon the Respondent requiring her to remove from the Property. She remains in occupation.

### **Reasons for Decision**

The Tribunal is satisfied that the criteria set down by section 33 of the Housing (Scotland) Act 1988 are satisfied. The short assured tenancy reached its end on 17 September 2019. Tacit relocation is not operating and no further tenancy is in existence. A section 33 notice and notice to quit have been validly served.

In these circumstances, the Tribunal must make an order for possession. The Respondent does not take issue with these facts but did observe that she had concerns regarding the condition of the property and the reasons behind the Applicant's decision to seek possession (which she believes was to permit the sale of the Property). However, these are not considerations which the Tribunal may take into account.

### **Decision**

An order for possession of the Property should be made in favour of the Applicant.

### **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.

**John McHugh, Legal Member/Chair**

**Date** 25 November 2019