



**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/18/3381**

**Re: Property at 27 Eden Bank, Dundee, DD4 6EN (“the Property”)**

**Parties:**

**Sandown Ltd., Office 905, Liberty House, DIFC, United Arab Emirates (“the Applicant”)**

**Ms Sheta Abdullah Al Safar, 27 Eden Bank, Dundee, DD4 6EN (“the Respondent”)**

**Tribunal Members:**

**Gillian Buchanan (Legal Member)**

**Decision**

At the Case Management Discussion (“CMD”), the Applicant was represented by Mr Dal Chima and Mrs Laura Chima of Professional Propertay Limited, Longforgan. The Respondent was also in attendance represented by Mr Peter Kinghorn of Dundee North Law Centre, Dundee. The interpreter in attendance to assist the Respondent was Mr Saad Al-Kodsi.

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that -**

**Background**

- The parties entered into a Short Assured Tenancy Agreement on 1 October 2013.
- The term of the tenancy was from 1 October 2013 to 1 April 2014 and thereafter renewed on a month to month basis.
- On 28 June 2018, Sheriff Officers on behalf of the Applicant’s agent, Professional Propertay Limited, served on the Respondent a Notice to Quit and a Notice under Section 33 of the Housing (Scotland) Act 1988, both dated 27 June 2018.

- In terms of the Notice to Quit and Section 33 Notice the Respondent required to quit and remove from the Property by 1 September 2018.
- The Respondent has failed to remove from the Property.
- The tenancy has reached its ish.
- Tacit relocation is not operating.

### The Case Management Discussion

#### For the Applicant –

- Mr Chima on behalf of the Applicant intimated that he was seeking an order for the eviction of the Respondent.

#### For the Respondent –

- Mr Kinghorn on behalf of the Respondent advised the Tribunal that he had been in touch with Mr Chima over the weekend prior to the CMD.
- It had therefore now been agreed between the parties that an order for recovery of possession of the Property should be granted by the Tribunal in favour of the Applicant at the CMD.
- Mr Kinghorn intimated that the agreement reached was subject to certain informal conditions also agreed between the parties relative to certain payments and a delayed period for the implementation of any order granted, namely 60 days. Mr Kinghorn appreciated these matters are not for the Tribunal to have regard to.
- Mr Chima agreed that the position was indeed as described by Mr Kinghorn.

### Decision

The Applicant is entitled to an order for possession of the Property the terms of Section 33 of the 1988 Act having been satisfied. The Tribunal therefore made an order to that effect.

### 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.**

Gillian Buchanan

Legal Member/Chair

4/3/19  
Date