

**Housing and Property Chamber**  
First-tier Tribunal for Scotland



**Decision with Statement of Reasons 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/18/2284**

**Re: Property at 7 Sighthill Terrace, Edinburgh, EH11 4PQ (“the Property”)**

**Parties:**

**Mrs Wilma Wright, 9 Sighthill Park, Edinburgh, EH11 4PW (“the Applicant”)**

**Ms Kaha Noor, 7 Sighthill Terrace, Edinburgh, EH11 4PQ (“the Respondent”)**

**Tribunal Members:**

**Fiona Watson (Legal Member) and Eileen Shand (Ordinary Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order should be granted against the Respondent for possession of the Property under section 18 of the Housing (Scotland) Act 1988.**

An application was submitted by the Applicant under Rule 65 of the First-tier Tribunal for Scotland Housing and Property (Procedure) Regulations 2017. Said application was dated 29 August 2018 and sought repossession of a property let under an assured tenancy.

A Case Management Discussion took place on 30 October 2018 at which the Respondent indicated that she intended to defend the application on the basis that she disputed whether or not a valid tenancy was in place. A Hearing was thereafter fixed.

A Hearing took place on 13 December 2018. The Applicant was personally present and represented by Alastair Johnston of Harper McLeod LLP. The Respondent was personally present and represented herself.

The Respondent advised the Tribunal that she intended to vacate the property by 31 January 2019. Mr Johnston on behalf of the Applicant advised the Tribunal that the

Applicant still sought a repossession order to be granted, in order to give the Applicant the security of being able to take enforcement action should the Respondent fail to remove. Mr Johnston advised that the Respondent had advised the Applicant on previous occasions that she would leave, but did not follow this through. Mr Johnston indicated that the Applicant would be agreeable to the Order not being enforceable until 31 January 2019, to allow the Respondent time to vacate the property.

The Tribunal adjourned proceedings at 2pm to allow parties to discuss matters between them in an attempt to reach agreement. The Tribunal reconvened at 2.25pm. The Respondent indicated that she was concerned at an Order being granted against her, and that the Tribunal decision would be publicly available on the Housing and Property Chamber website. She asked the Tribunal for a further adjournment to allow her to make a telephone call to seek advice. The Tribunal agreed to do so and adjourned once more at 2.30pm

The Tribunal reconvened at 2.35pm where the Respondent confirmed that she would agree to an Order for Repossession being granted against her and with the effective date not being before 31 January 2019.

The First-tier Tribunal for Scotland (Housing and Property Chamber) granted an order against the Respondent for possession of the Property under section 18 of the Housing (Scotland) Act 1988.

### **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.**

Fiona Watson

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**Legal Member/Chair**

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**Date**

13/12/18