



**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 (“the Act”)**

Chamber Ref: FTS/HPC/EV/18/1543

Re: Property at 56 Curzon Street, Glasgow, G20 9HA (“the Property”)

Parties:

**Mrs Helen Hunter, c/o Houstons, Office 8 68/74 Queen Elizabeth Avenue,
Glasgow, G52 4NQ (“the Applicant”)**

Miss Tracy Sheddon, 56 Curzon Street, Glasgow, G20 9HA (“the Respondent”)

Tribunal Members:

Steven Quither (Legal Member)

Decision

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that an order for possession is granted under s33 of the
Act**

1. BACKGROUND

By a Tenancy Agreement dated 28 November 2011, the parties agreed that, as from that date, the Respondent would rent the Property from the Applicant for a rent of £500 per calendar month. Initially, the tenancy was to end on 28 May 2012 but was then to continue on a month to month basis, which it has duly done.

By virtue of a notice under s32 of the Act (AT5) being served before the creation of the tenancy, the tenancy was a Short Assured Tenancy.

An application was duly made on or about 20 June 2018 to bring the tenancy to an end and in support of same, there was lodged (or copies as appropriate) the Tenancy Agreement, AT5, s33 Notice and Notice to Quit (both notices bearing to have been served personally on the Respondent on 26 January 2018) and confirmation under s11 of the Homelessness etc. (Scotland) Act 2003 that the proceedings had been intimated to Glasgow City Council, as the relevant local authority.

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Said s33 Notice and Notice to Quit intimated that the Respondent would require to remove from the Property on or before 28 March 2018.

2. CASE MANAGEMENT DISCUSSION

This took place before me on 8 October 2018. The Applicant was represented by her Agent, Mrs. Houston and the Respondent attended, accompanied by her father, John Shedden, in role of supporter.

I enquired of the Applicant's Agent as to the why this application was being made, given the near 7 year existence of the tenancy. She indicated it was, in essence, due to recent tax changes and the fact that the Applicant's husband had now retired, all of which had simply led to continuation of the tenancy being no longer as viable or practical as it had been previously. She showed no little compassion and regret as to the situation, indicating that there was no question whatsoever that the Respondent had been a responsible and reliable tenant and that but for these changes in the Applicant's circumstances, there is no question that the tenancy would have continued.

The Respondent advised that she was shocked when she heard the tenancy was being brought to an end. The Applicant's husband had told her at the start of the tenancy that the tenancy would be hers for as long as she wanted it and she had since heard that the Applicant was considering buying a bigger house (which was not accepted by the Applicant's agent). She stated that she had a 9 year old son and that the worry about these proceedings had made her unwell.

I enquired about what steps she had taken to be rehoused since receiving notice of these proceedings and she indicated she had been at the local housing authority but it was proving to be a long and far from straightforward process. Given what had happened with this tenancy, she did not wish to seek another private sector tenancy again.

The Applicant's agent stated that she would do all she could to assist, even to the extent of accompanying the Respondent to her next local authority meeting to confirm what had happened with this tenancy. In response to an enquiry from me, she confirmed she did not have any properties at present which might be suitable for the Respondent. In any event, the Respondent, as already indicated, advised she did not want to go down the private sector route again.

The Applicant's agent also indicated her client would afford her as much leeway as she could if an order was granted today, to assist her and her son, given that she has been such a good tenant and the fact that circumstances were bringing the tenancy to an end, rather than any misconduct or suchlike on her part.

3. FINDINGS IN FACT

Based on the documentation produced and representations made in support of the application, I found that the parties entered into a Short Assured Tenancy Agreement whereby, as from 28 November 2011, the Respondent rented the Property from the Applicant for a rent of £500 per calendar month, that whereas initially the tenancy was to end on 28 May 2012, it thereby continued on a month to month basis after that date and until these proceedings.

I also found that a s33 Notice and Notice to Quit were both served personally on the Respondent on 26 January 2018, providing her with the requisite periods of notice required to bring the tenancy to an end and that under s11 of the Homelessness etc. (Scotland) Act 2003 these proceedings had been intimated to Glasgow City Council, as the relevant local authority.

4. REASONS FOR DECISION

Since the tenancy in question was a Short Assured Tenancy and all of the correct procedures as to notice etc had been followed by the Applicant to bring same to an end, I was satisfied I could, indeed was bound to, make the order sought, which I accordingly now do, not without some sympathy for the Respondent who has simply been adversely affected by change of circumstances and who, I hope, will avail herself of the offer of assistance from the Applicant's agent and/or the Applicant also.

5. DECISION

To grant the order for repossession sought by the Applicant in respect of the Property.

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.

Steven Quither

Legal Member/Chair

8 OCTOBER 2018
Date