

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 33 of the Housing (Scotland) Act 1988

Chamber Ref: FTS/HPC/EV/19/0806

Re: Property at Flat 0-2, 29 Orchard Street, Glasgow, PA4 8RJ (“the Property”)

Parties:

Ms Claire Morrison, Flat 2-2, 2327 Dumbarton Road, Glasgow, G14 0NL (“the Applicant”)

Ms Nicola Delaney, Flat 0-2, 29 Orchard Street, Glasgow, PA4 8RJ (“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 under a short assured tenancy of the Property dated 3 November 2014.

The tenancy was for an initial six month period and ran from month to month thereafter with two months’ notice of termination being required.

The Case Management Discussion

A Case Management Discussion took place at the Glasgow Tribunals Centre on 30 May 2019. The Applicant was represented by Robert Nixon and Craig Weir of the letting agents, Rite Home.

The Respondent was present and assisted by her son and by Catriona Philips of You First Advocacy.

The Applicant's representatives confirmed that they were insisting upon their application and that the appropriate notices had been served to terminate the tenancy.

The Respondent accepted that the Form AT6 and Notice to Quit had been served upon her in December 2018.

The Respondent advised that she has been offered alternative accommodation by the local authority but certain adaptations are required to make it suitable and this is likely to take around two weeks.

Findings in Fact

The Applicant is the landlord and the Respondent the tenant under a short assured tenancy of the Property dated 3 November 2014.

The tenancy was for an initial six month period and ran from month to month thereafter with two months' notice of termination being required.

The Applicant served a Notice to Quit and a Form AT6 upon the Respondent on 11 December 2018. These required the Respondent to remove with effect from 10 March 2019.

The Respondent remains resident in the Property.

Reasons for Decision

Section 33 requires an order for possession to be made where the Tribunal is satisfied that: the short assured tenancy has reached its end; tacit relocation is not operating; no further contractual tenancy is in existence and two months' notice of termination has been given. The Tribunal is so satisfied.

Decision

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

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.

J McHugh

John McHugh, Legal Member/Chair

30 May 2017

Date