



**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/21/1285

**Re: Property at 168 Huron Avenue, Howden, Livingston, West Lothian, EH54 6LE
("the Property")**

Parties:

**Mr Liaquat Ali, Mr Omar Asghar, 9 Gillieburn Gardens, Shotts, Lanarkshire, ML7
5BP ("the Applicants")**

**Miss Catriona Corcoran AKA Thornton, 168 Huron Avenue, Howden,
Livingston, West Lothian, EH54 6LE ("the Respondent")**

Tribunal Members:

Neil Kinnear (Legal Member) and Ann Moore (Ordinary Member)

Decision

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

Background

This was an application dated 26th May 2021 and brought in terms of Rule 66 (Application for order for possession upon termination of a short assured tenancy) of *The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017* as amended.

The Applicants provided with their application copies of the short assured tenancy agreement, form AT5, notice to quit, section 33 notice, Section 11 notice, and relevant proof of service.

All of these documents and forms had been correctly and validly prepared in terms of the provisions of the *Housing (Scotland) Act 1988*, and the procedures set out in that Act had been correctly followed and applied.

The Respondent had been validly served by sheriff officers with the notification, application, papers and guidance notes from the Tribunal on 9th August 2021, and the Tribunal was provided with the execution of service.

Case Management Discussion

A Case Management Discussion was held at 10.00 on 8th September 2021 by Tele-Conference. The Applicants did not participate, but were represented by Mr Morrison, solicitor. The Respondent participated, and was not represented.

The Tribunal was invited by Mr Morrison with reference to the application and papers to grant the order sought.

The Respondent confirmed that she did not oppose the granting of the order sought. She explained that she had a good relationship with the Applicants, who were aware that she was in the process of obtaining housing from her local authority.

Statement of Reasons

In terms of Section 33 of the *Housing (Scotland) Act 1988* as amended, the Tribunal may make an order for possession of the house let on the tenancy if:

- (1) the short assured tenancy has reached its ish;
- (2) tacit relocation is not operating;
- (3) the landlord has given to the tenant notice stating that he requires possession of the house; and
- (4) it is reasonable to make an order for possession.

All of the above criteria have been satisfied in this application, and accordingly the Tribunal shall make an order for possession. The Respondent did not oppose the granting of the order, was in the process of obtaining local authority housing, and did not seek to argue that it was not reasonable for the Tribunal to grant the order sought.

Decision

In these circumstances, the Tribunal will make an order for possession of the house let on the tenancy as sought in this application.

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.

Neil Kinnear

08 September 2021

Legal Member/Chair

Date