



**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/21/1471**

**Re: Property at 11 East Queensway, Penicuik, EH26 0HD (“the Property”)**

**Parties:**

**Mr John Jackson, 6 Roderick Place, West Linton, EH46 7ES (“the Applicant”)**

**Ms Claire Baird, 11 East Queensway, Penicuik, EH26 0HD (“the Respondent”)**

**Tribunal Members:**

**Fiona Watson (Legal Member) and Ann Moore (Ordinary Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order is granted against the Respondent for possession of the Property under section 33 of the Housing (Scotland) Act 1988.**

- Background
- 1. An application dated 17 June 2021 was submitted to the Tribunal under Rule 66 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the Rules”), seeking a repossession order against the Respondent upon termination of a short assured tenancy agreement.
- 2. A Case Management Discussion (“CMD”) took place on 16 August 2021 by tele-conference. The Applicant was represented by Ms Caldwell, TC Young solicitors. The Respondent was personally present and represented by Ms Bon, Civil legal Assistance Office. The Respondent’s representative had lodged written submissions on behalf of the Respondent setting out her position in relation to the application, in advance of the CMD.
- 3. The Applicant’s representative moved for the Order for Repossession to be granted. The Respondent’s representative opposed the Order and sought a

Hearing to be fixed. It was submitted firstly that the applicant did not have right or title to raise the application in his sole name. Secondly, it was submitted that it would not be reasonable to grant the Order. The CMD was adjourned to a Hearing to take place on 23 September at 10am, by tele-conference.

4. Prior to the Hearing the representatives of both parties contacted the Tribunal by email to confirm that matters had been agreed, and that an eviction order should be granted with execution of the order suspended until 23 November 2021 in terms of Rule 16A(d) of the Rules.
  - Decision
5. Following agreement between the parties, the First-tier Tribunal for Scotland (Housing and Property Chamber) granted an order against the Respondent for possession of the Property under section 33 of the Housing (Scotland) Act 1988 with execution of the Order suspended until 23 November 2021; and discharged the Hearing set to take place on 23 September 2021.

### **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

**Legal Member/Chair**

**Date: 23 September 2021**