



**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/22/3789**

**Re: Property at 36 Stoneybank Road, Musselburgh, EH21 6HJ (“the Property”)**

**Parties:**

**Mr Darren Woodhead, Mrs Pascale Woodhead, 2 Ivory Court, Langriggs, Haddington, East Lothian, EH41 4BY (“the Applicant”)**

**Julie Souter, 36 Stoneybank Road, Musselburgh, EH21 6HJ (“the Respondent”)**

**Tribunal Members:**

**Andrew McLaughlin (Legal Member) and Ann Moore (Ordinary Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) decided to grant the Application and made an Eviction Order.**

**Background**

The Applicant seeks an Eviction Order under s33 of the Act. The Application is accompanied by a copy of the tenancy agreement, the notice served under s33 of the Act together with the notice to quit and proof of service. Some documentation is also produced that is said to show that the Applicants desire to sell the Property.

**The Case Management Discussion**

The Application called for a Case Management Discussion (CMD) by conference call at 10 am on 6 March 2023. The Applicants were represented by Mr Bar of DJ Alexander.

The Respondent was personally present. Neither party had any preliminary issues to raise and the Respondent understood the nature of the Application and the purpose of the Tribunal.

Ms Souter explained that she had no issue with the Tribunal granting the Application as she thought it actually might assist her in being rehoused elsewhere with greater priority.

Having heard from parties and having considered the Application, the Tribunal made the following findings in fact.

### **Findings in Fact**

- I. *The parties entered into a tenancy agreement whereby the Applicants let the Property to the Respondent by virtue of a short-assured tenancy agreement that commenced on 29 May 2014;*
- II. *The Applicants competently served a notice to quit and a notice under s33 of the Act informing the Respondent that the Applicants required possession of the Property by 1 October 2022;*
- III. *The Respondent was advised by the local authority not to vacate the Property by this date as she may be considered "intentionally homeless";*
- IV. *The Applicants have complied with s 11 of the Homelessness (etc) (Scotland) Act 2003;*
- V. *The Applicants wish to sell the Property as they have recently separated and their personal circumstances have changed;*
- VI. *It is reasonable to make an Eviction Order.*

### **Decision**

Having made the above findings in fact, the Tribunal decided to grant the Application and made an Eviction Order.

### **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.

Andrew McLaughlin

Legal Member/Chair

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6 March 2023

Date