



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/23/1897

Re: Property at 32 Brantwood Avenue, Dundee, DD3 6EW (“the Property”)

Parties:

Mr Abdul Salam, 1 Castlewood Brae, Dundee, DD4 9FR (“the Applicant”)

Ms Louise Gibson, 32 Brantwood Avenue, Dundee, DD3 6EW (“the Respondent”)

Tribunal Members:

Andrew McLaughlin (Legal Member) and Gordon Laurie (Ordinary Member)

Decision

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

Background

[1] The Applicant seeks an Eviction Order under s33 of the Act. The Application is accompanied by a copy of the tenancy agreement together with the relevant notices founded upon.

The Case Management Discussion

[2] The Application called for a Case Management Discussion (CMD) by conference call at 2pm on 31 August 2023. The Applicant was present together with his representative, Mr Myles, solicitor. The Respondent was present with her solicitor, Mr Marshall.

[3] Mr Marshall explained that there was no defence in respect of the validity of the notices but rather the Respondent questioned the reasonableness of the Application. The Tribunal noted that the Respondent was anxious to avoid being considered intentionally homeless.

[4] Having heard from the parties, the Tribunal made the following findings in fact.

Findings in Fact

- I. *The parties entered into a Short assured Tenancy agreement whereby the Applicant let the Property to the Respondent;*
- II. *The tenancy agreement commenced on 20 April 2012;*
- III. *The Applicant competently served a s33 Notice and a Notice to Quit ending the contractual tenancy and calling upon the Respondent to remove herself from the Property having been given adequate notice;*
- IV. *The Respondent remains in occupation notwithstanding the terms of these notices;*
- V. *The Respondent is likely to obtain significant support from the housing department of Dundee City Council. The Respondent is unlikely to suffer any unusual hardship by virtue of the ending of the tenancy;*
- VI. *The Applicant's intention is that his daughter will live in the Property;*
- VII. *The Applicant has complied with s11 of the Homelessness (etc) (Scotland) Act 2003.*

Decision

[5] Having made the above findings in fact, the Tribunal finds the test set out in s33 to be met and that it is reasonable to grant the Application. The Tribunal accordingly makes 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.

Legal Member/Chair

Date 31 August 2023