



**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/21/2819

Re: Property at 9 Lulworth Court, Dundee, DD4 0LS (“the Property”)

Parties:

Stobmuir Enterprises Ltd, 15 Albert Street, Dundee, DD4 6NS, per Mr Alec Campbell, Campbell Boath, Solicitors, Bank House, Stirling Street, Dundee DD3 6PJ (“the Applicants”)

Ms Kelly Walker, 9 Lulworth Court, Dundee, DD4 0LS (“the Respondent”)

Tribunal Members:

David Preston (Legal Member) and Linda Reid (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an eviction order should be granted.

1. This is an application for eviction and recovery of possession following upon the termination of the Short Assurance Tenancy (SAT) in terms of section 33 of the Act and rule 66 of the Tribunal Procedure Rules.
2. The Tribunal had regard to the following documents before it: SAT dated 6 November 2017; Form AT5 dated 6 November 2017; Notice to Quit dated 4 November 2020; Section 33 Notice dated 4 November 2020; Certificate of Posting dated 5 November 2020; Track and Trace receipt dated 6 November 2020; Notice to Local Authority under section 11 of the Homelessness etc (Scotland) Act 2003 dated 9 November 2021.
3. The case called for a Case Management Discussion (CMD) on 20 January 2022 by telephone. Mr Campbell attended on behalf of the applicant and the respondent attended on her own behalf.
4. The applicant sought an order for eviction in terms of the application.

5. The respondent stated that she was in agreement with what had been said. She explained that she had been struggling after her partner left her. She said that she has four children. She had approached the local authority but had been told that they were not in a position to assist her until after an Eviction Order had been granted. She did not resist or oppose the application for eviction.

Reasons for Decision

6. The tribunal was satisfied that all statutory requirements had been met in respect of the eviction application and, in view of the fact that the local authority were not able to provide any assistance to the respondent until an Order for Eviction had been granted, determined that in all the circumstances it was reasonable that an order be granted.

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.

David Preston

20 January 2022