

Housing and Property Chamber
First-tier Tribunal for Scotland



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/23/0548

Re: Property at 182 Warriston Street, Glasgow, G33 2LD (“the Property”)

Parties:

Ms Kathryn Meeke, c/o Inifiniti Properties Management Ltd, Suite 2g, 227 Ingram Street, Glasgow, G1 1DA (“the Applicant”)

Ms Una Gormerly, 182 Warriston Street, Glasgow, G33 2LD (“the Respondent”)

Tribunal Members:

Andrew McLaughlin (Legal Member) and Helen Barclay (Ordinary Member)

Decision

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

Background

The Applicant seeks an Eviction Order under s 33 of the Act. The Application is accompanied by a copy of the tenancy agreement, the relevant notice served under s 33 of the Act along with the notice to quit and proof of service. There is also evidence of compliance with s 11 of the Homelessness (etc) (Scotland) Act 2003.

The Case Management Discussion

The Application called for a Case Management Discussion (CMD) by conference call at 10 am on 4 July 2023. The Applicant was represented by Ms Keenan of Mitchells Robertson. The Respondent was represented by Ms Sloey of Govan Law Centre.

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

Findings in Fact

- I. *The Applicant let the Property to the Respondent by virtue of a short assured tenancy;*
- II. *The Applicants brought the tenancy to an end by competently serving a notice to quit together with a notice under s33 of the Act;*
- III. *The Respondent failed to remove herself from the Property;*
- IV. *The Applicant has complied with s 11 of the Homelessness (etc) (Scotland) Act 2003;*
- V. *The Respondent does not oppose the Application. The Applicant has received legal advice and support from the housing department of her relevant local authority. The Respondent has no dependents and the Property is not specially adapted for her.*

Reasons for Decision

Having made the above findings in fact, the Tribunal considered that the terms of s 33 of the Act had been met and that it was reasonable to grant an Eviction Order. The Tribunal decided to grant the 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.

A McLaughlin

Legal Member/Chair

4 July 2023

Date