



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber)**

Chamber Ref: FTS/HPC/EV/20/1213

Re: Property at 358/3 Leith Walk, Edinburgh, EH6 5BR (“the Property”)

Parties:

Bishop & Sons Ltd., 306 Gilmerton Road, Edinburgh, EH17 7PR (“the Applicant”)

Mr Ben Bowman, 358/3 Leith Walk, Edinburgh, EH6 5BR (“the Respondent”)

Tribunal Members:

Virgil Crawford (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that

BACKGROUND

- 1 By lease dated 14 and 20 November 2011 the Applicants let the Property to the Respondent and a Ms Kate Ferguson;
- 2 The lease was a Short Assured Tenancy in terms of the Housing (Scotland) Act 1988;
- 3 Ms Kate Ferguson had previously vacated the Property. The Respondent remained in occupation;
- 4 The Applicants timeously served a Notice to Quit and a notice in terms of s33 of the 1988 Act on the Respondent;
- 5 The Applicants thereafter raised proceedings for eviction;
- 6 The respondent opposed an order for eviction and, at a Case Management Discussion on 20 August 2020 it was asserted that there was a defence to the action. The Case Management Discussion was thereafter adjourned and a further



Case management Discussion assigned for 5 October 2020 to enable the parties and the Tribunal to consider the issues raised;

THE CASE MANAGEMENT DISCUSSION

- 7 The Case Management Discussion was conducted by teleconference on 5 October 2020. The Applicants were represented by Mr Alasdair Bain of Trinity Factoring Services Ltd. The Respondent participated personally;
- 8 The Tribunal was advised that the Parties had now reached agreement and that it was agreed that an order for eviction should be granted;
- 9 The Tribunal being satisfied that the legal requirements for such an order to be granted had been met, indicated that an eviction order would now be granted;

FINDINGS IN FACT

- 10 The Tribunal found the following facts to be admitted or proved:-
 - i. By lease dated 14 and 20 November 2011 the Applicants let the Property to the Respondent and a Ms Kate Ferguson;
 - ii. The lease was a Short Assured Tenancy in terms of the Housing (Scotland) Act 1988;
 - iii. Ms Kate Ferguson had previously vacated the Property. The Respondent remained in occupation;
 - iv. The Applicants timeously served a Notice to Quit and a notice in terms of s33 of the 1988 Act on the Respondent;

DECISION

The Tribunal grants order to Officers of Court to eject the Respondent and family, servants, dependants, employees and others together with their goods, gear and whole belongings forth and from the Property at 358/3 Leith Walk, Edinburgh, EH6 5BR and to make the same void and redd that the Applicants or others in their name may enter thereon and peaceably possess and enjoy the same.

Order not to be executed prior to 12 noon on 11 November 2020

Right of Appeal

Housing and Property Chamber
First-tier Tribunal for Scotland



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.

Virgil Crawford

Date: 5 October 2020