

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 23 of the Rent (Scotland) Act
1984**

Chamber Ref: FTS/HPC/EV/22/4501

Re: Property at 3a Cathcart Street, Ayr, KA7 1BJ (“the Property”)

Parties:

**Safe House Property Services Limited, The Old Manse, 1 Links Road, Port Seton,
Prestonpans, EH32 0HA (“the Applicant”)**

Ms Vikki Semple, 3a Cathcary Streey, Ayr, KA7 1BJ (“the Respondent”)

Tribunal Members:

Nicola Irvine (Legal Member) and Helen Barclay (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant is entitled to the Order sought for recovery of possession of the property.

Background

1. The Applicant submitted an application under Rule 79 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017. The Applicant sought an order to evict the Respondent from the property.
2. By decision dated 10 February 2023, a Convenor of HPC having delegated power for the purpose, referred the application under Rule 9 of the Rules to a case management discussion (“CMD”).
3. The Notice of Acceptance was intimated to the Applicant’s representative on 14 February 2023. The Tribunal intimated the application to the parties and advised them of the date, time and conference call details of a CMD on 12 April 2023.

4. The Tribunal received written representations from the Respondent on 23 March 2023.
5. The Tribunal postponed the CMD assigned for 12 April 2023 and a new CMD assigned for 8 June 2023.
6. On the application of the Respondent, the CMD assigned for 8 June 2023 was postponed.
7. The Tribunal received emails from the Respondent on 7 and 25 July 2023 and 9 August 2023. The Tribunal also received an email from the Respondent's representative on 10 August 2023, advising that the Respondent's opposition to the application was withdrawn.

The case management discussion

8. The CMD took place by conference call. The Applicant was represented by Mr Kelvin Walker, solicitor and the Respondent joined the conference call personally. The Respondent confirmed that she did not oppose the application. She explained that she has alternative accommodation to move to but will require approximately 4 to 6 weeks to move all of her belongings.

Findings in Fact

9. The Respondent's mother entered into a private residential tenancy with the Applicant which commenced 9 July 2018.
10. The private residential tenancy terminated on 18 November 2022.
11. The Respondent has no right or title to occupy the property.

Reason for Decision

12. The Tribunal proceeded on the basis of the documents lodged and the submissions made at the CMD. The Respondent did not oppose the application. The Tribunal was satisfied that the Respondent had no right or title to occupy the property.

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

14 August 2023
Date