



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Rule 36 of The First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017

Chamber Ref: FTS/HPC/EV/23/0550

Re: Property at 94 Croftfoot Road, Glasgow, G44 5JX (“the Property”)

Parties:

Lowther Homes Limited, Wheatley House, 25 Cochrane Street, Glasgow, G1 1HL (“the Applicant”)

Mr Andrew Blackett, 94 Croftfoot Road, Glasgow, G44 5JX (“the Respondent”)

Tribunal Members:

George Clark (Legal Member) and Angus Lamont (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) decided to correct an accidental slip contained in the Order for Possession of the Property made by the Tribunal on 26 April 2023.

Reasons for Decision

1. On 26 April 2023, the Tribunal made an Order for Possession in respect of the Property. The Order was made under Grounds 8 and 8A of Part I of Schedule 5 to the Housing (Scotland) Act 1988 (“the 1988 Act”).
2. On 5 June 2023, the Applicants’ representative drew the attention of the Tribunal to an error in the Order, namely that one of the Grounds on which the Tribunal had made the Order was Ground 8A of Part 1 of Schedule 5 to the 1988 Act. Accordingly, the reference to the date on which the Order could be enforced as being the earlier of (a) the day following the end of a period of 6 months beginning with the day on which the Order was granted or (b) the expiry or suspension of Paragraph 1 of Schedule 2 of the Cost of Living (Tenant Protection) (Scotland) Act 2022 (“the 2022 Act”), was incorrect.
3. Rule 36 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations provides that the Tribunal may at any time correct any

clerical mistake or other accidental slip or omission contained in a Decision, Order, or any document provided by it, by sending notification of the amended Decision or Order, or a copy of the amended document to all Parties.

4. The Tribunal accepted that it had accidentally referred to the 2022 Act and that it should have stated the earliest date for enforcement of the Order to be 1 June 2023. As, however, the Tribunal's Decision and Order had already been sent to the Parties, the Tribunal decided that it was in the interests of justice to re-date the Order to 19 June 2023, with the earliest enforcement date being amended to 21 July 2023. A copy of the amended Order should be sent, along with this Decision, to all Parties.
5. The Decision of the Tribunal was unanimous.

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

19 June 2023
Date