



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

**Chamber Ref: FTS/HPC/EV/23/3856**

**Re: Property at 10/6 Portpatrick Road, Old Kilpatrick, G60 5JR (“the Property”)**

**Parties:**

**Mrs Bridget Hepburn, 163 Duntocher Road, Clydebank, Glasgow, G81 3NE  
 (“the Applicant”)**

**Mr Jason Hunter, Miss Jordan McArthur, 10/6 Portpatrick Road, Old Kilpatrick,  
G60 5JR; 10/6 Portpatrick Road, Old Kilpatrick, G60 5JR (“the Respondent”)**

**Tribunal Members:**

**Virgil Crawford (Legal Member) and Ahsan Khan (Ordinary Member)**

**Decision**

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

**BACKGROUND**

1. By Lease dated 17<sup>th</sup> April 2016 the Applicant let the Property to the Respondent.
2. A notice in terms of s32 of the Housing (Scotland) Act 1988 (“the 1988 Act”) – commonly referred to as a form AT5 - was signed by the Respondents prior to signing the lease. The lease, accordingly, is a short assured tenancy.
3. The rent payable is £500.00 per calendar month.
4. The Respondents fell into arrears of rent. This coincided with a period of time when the financial position of the Applicant changed also, the Applicant having

been made redundant by her employers and her husband being absent from work due to long term illness.

5. Separately, the Property appears to be affected by rising damp. The Applicant required to do work to address that problem. It is her intention thereafter to sell the Property to release funds for use by her.
6. A notice to quit and a notice in terms of s33 of the 1988 Act were served upon the Respondents.
7. A notice in terms of s11 of the Homelessness Etc. (Scotland) Act 2003 was intimated to the local authority.

## **THE CASE MANAGEMENT DISCUSSION**

8. A Case Management Discussion was assigned to be conducted by teleconference at 2pm on 18<sup>th</sup> March 2024. All parties participated personally.
9. The Applicant moved the Tribunal to grant an order for eviction. She confirmed that her financial position had changed significantly. She was made redundant from her employment at the start of 2023. The mortgage payments for the Property have increased due to increases in mortgage interest rates. The Applicant advised there are arrears of rent although appeared to be understanding of what she considered to be certain issues which may be affecting the Respondents' ability to pay at present.
10. The Applicant confirmed the Property is affected by dampness. This will need to be remedied and the intention is thereafter to sell the Property to release funds to enable her and her husband to utilise them for their retirement.
11. The Respondents confirmed that they consented to the granting of an eviction order. They have already been in contact with the local authority. An eviction order will assist their dealing with the local authority. It has been intimated to them that they should, hopefully, be offered alternative accommodation in the near future.
12. In the circumstances, given the agreement between the Parties, the tribunal granted an order for eviction.

## **FINDINGS IN FACT**

13. The Tribunal found the following facts to be established: -
  - a) By lease dated 17<sup>th</sup> April 2016 the Applicant let the Property to the Respondents. The lease is a short assured tenancy in terms of the 1988 Act.
  - b) A notice to quit and a notice in terms of s33 of the 1988 Act were served upon the Respondent on 8<sup>th</sup> August 2023.
  - c) A notice in terms of s11 of the 2003 was intimated to the local authority.

- d) The Respondents are in arrears of rent.
- e) The Applicant intends to sell the Property once vacant possession is obtained with a view to releasing funds to use for her retirement and the retirement of her husband.
- f) The Respondents have already engaged with the local authority with a view to securing suitable alternative accommodation.
- g) The Respondents consent to an order for eviction being granted.

## **DECISION**

The Tribunal granted an order against the Respondents for possession of the Property under section 33 of the Housing (Scotland) Act 1988.

Order not to be executed prior to 12 noon on 24 April 2024

## **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.**

# V Crawford

**18 March 2024**

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**Legal Member/Chair**

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**Date**