

**Housing and Property Chamber**  
First-tier Tribunal for Scotland

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**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 16 of the Housing (Scotland) Act 2014 and Section 18 of the Housing (Scotland) Act 1988.**

**Chamber Ref: FTS/HPC/EV/23/2423**

**Re: Property at 48 Nith Street, Dunfermline, KY11 4LY (“the Property”)**

**Parties:**

**Mr David Ian Glasgow, 5 Douglas Park, Bearsden, G61 3DW (“Applicant”); and**

**Hovepark Lettings, 56 Hamilton Street, Saltcoats, KA21, 5DW (“the Applicant’s Representative”) and**

**Miss Lindsay Currie, 48 Nith Street, Dunfermline, KY11 4LY (“the Respondent”)**

**Tribunal Members:**

**G McWilliams- Legal Member**

**L. Forrest - Ordinary Member**

**Decision:**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to grant the Application.**

**Background and Case Management Discussions on 14<sup>th</sup> November 2023 and 6<sup>th</sup> March 2024**

1. This is an Application brought in terms of Rule 66 (Application for order for possession upon termination of a short-assured tenancy) of The First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure (“the 2017 Rules”).
2. The Applicant Mr Glasgow’s Representative had provided the Tribunal, in the Application, with copies of the parties’ short assured tenancy agreement, Form AT5, Notice to Quit (“NTQ”) and Sections 33 and 11 Notices with relevant Executions of Service. All of these documents and forms had been correctly

and validly prepared in terms of the provisions of the Housing (Scotland) Act 1988 (“the 1988 Act”), and the procedures set out in the Act had been correctly followed and applied.

3. A Case Management Discussion (“CMD”) had taken place remotely by telephone conference call at 2.00pm on 14<sup>th</sup> November 2023. Reference is made to the Notes on that CMD. A further CMD proceeded remotely by telephone conference call at 10.00am on 6<sup>th</sup> March 2024. The Applicant’s Representative’s Ms M McDiarmid and the Respondent Miss Currie attended.
4. Ms McDiarmid apologised to the Tribunal for not attending at the previous CMD on 14<sup>th</sup> November 2023. She stated that her letting agency had not received an e-mail notifying them of the details of the CMD. Ms McDiarmid stated that Mr Glasgow was facing the prospect of having negative equity in his portfolio of let properties and, as a result, wishes to recover possession of the Property and to sell it. She said that Mr Glasgow rents between 25 and 30 properties, not all of which are managed by the Representative. She stated that Mr Glasgow was aged around 45 and, in her understanding, also has another full time job in addition to his property portfolio. Ms McDiarmid said that Mr Glasgow and her letting agency had had no difficulties with Miss Currie as a tenant, and also in respect of the tenancy itself. Ms McDiarmid reiterated that Mr Glasgow wished to sell the Property in order to address anticipated financial difficulties. Ms McDiarmid asked the Tribunal to grant the order for possession of the Property sought by Mr Glasgow.
5. Miss Currie stated candidly that she wished the Application proceedings to be brought to an end and to have an eviction order granted. She said that she was continuing to liaise with Frontline Fife and Fife Council and was due to be in contact with them again by 8<sup>th</sup> March 2024 to confirm the outcome of the CMD and, in particular whether or not an eviction order had been granted. Miss Currie said that she understood Mr Glasgow’s position. She further stated that she fully understood the consequences if an eviction order were to be granted.
6. Ms McDiarmid and Miss Currie discussed the option of agreeing an enforcement date in respect of the eviction order which they both sought. They agreed that it would be helpful to Miss Currie if an earliest enforcement date of 6<sup>th</sup> May 2024 was stipulated on the eviction order.

### **Statement of Reasons**

7. In terms of Section 33 of the 1988 Act, the Tribunal shall make an order for possession of a house let on a tenancy if:

- (a) the short assured tenancy has reached its end;
- (b) tacit relocation is not operating;
- (c) no further contractual tenancy (whether a short assured tenancy or not) is for the time being in existence; and

(d) the landlord has given to the tenant notice stating that he requires possession of the house.

8. The Tribunal considered all of the available evidence and the submissions of Ms McDiarmid and Miss Currie. The Tribunal found in fact that all of the documentation regarding termination of the parties' tenancy agreement had been validly served on Miss Currie. The Tribunal further found in fact that the granting of an eviction order will assist both Mr Glasgow, in enabling him to plan the sale of the Property to offset anticipated financial losses, and also allowing Miss Currie to progress her applications for alternative social housing. The Tribunal also found in fact that both Mr Glasgow and Miss Currie seek the grant of an eviction order and understand the consequences of the grant of such an order. Having made such findings in fact the Tribunal found in law that the parties' tenancy agreement had been lawfully brought to its end in terms of the relevant legislation, and that it was reasonable to grant an eviction order at this time.
9. The Tribunal commended Miss Currie for her straightforward submissions at both CMD's.

### **Decision**

10. The Tribunal granted an order for possession of the Property as sought in 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.**

**6<sup>th</sup> March 2024**

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**Legal Member**

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**Date**