



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 33 of the Housing (Scotland) Act 1988 (“The Act”)

Chamber Ref: FTS/HPC/EV/23/4532

Re: Property at 36/3 North Methven Street, Perth, PH1 5PP (“the Property”)

Parties:

Mrs Lisa Dinsdale (nee Frew), 21 Bellfield Avenue, Perth, PH1 1LG (“the Applicant”)

Miss Clare Hardie, 36/3 North Methven Street, Perth, PH1 5PP (“the Respondent”)

Tribunal Members:

Andrew McLaughlin (Legal Member) and Sandra Brydon (Ordinary Member)

Decision (in absence of the Respondent)

[1] The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted the Application and made an Eviction Order.

Background

[2] The Applicant seeks an Eviction Order under Section 33 of the Act. The Application is accompanied by a copy of the relevant tenancy agreement; the relevant notice under Section 33 of the Act; the relevant notice to quit; the relevant notice under Section 11 of the Homelessness (etc) (Scotland) Act 2003 and proof of service.

The Case Management Discussion

[3] The Application called for a Case Management Discussion (CMD) by conference call at 10 am on 1 May 2024. The Applicant was personally present. There was no appearance by or on behalf of the Respondent. The Application and information about how to join the conference call had been served on the Respondent by Sheriff Officers. The Tribunal therefore decided to proceed in the absence of the Respondent.

[4] The Tribunal was addressed on the Application by the Applicant. The Tribunal carefully considered the reasonableness or otherwise of granting the Application. Having done so, the Tribunal made the following findings in fact.

Findings in Fact

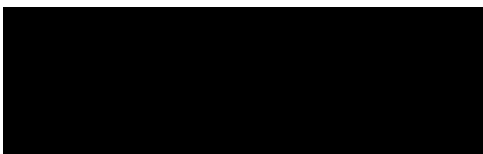
- I. The Applicant let the Property to the Respondent by virtue of a Short-Assured Tenancy within the meaning of the Act;*
- II. The Applicant competently ended the tenancy by competently serving a notice under Section 33 of the Act and a notice to quit;*
- III. The Applicant has served the requisite notice under Section 11 of the Homelessness (etc) (Scotland) Act 2003;*
- IV. The Applicant wishes to sell the Property. It is her only investment property. She has now married and started a family and no longer wishes to operate as a landlord. She instead wishes to focus on her career ambitions and paying off her own mortgage.*
- V. The Respondent has not engaged with the Tribunal process. The Property has not been specially adapted for her purposes. The Respondent lives alone in the Property. The Respondent is aware of the methods by which she might receive support to find alternate accommodation.*

Reasons for Decision

[5] Having made the above findings in fact, the Tribunal found that the tenancy had been validly ended under Section 33 of the Act and that it was reasonable to make an Eviction Order. The Tribunal therefore granted 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.



Legal Member/Chair

1 May 2024
Date