



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

Chamber Ref: FTS/HPC/EV/24/4915

Re: Property at 12 Angus Road, Port Glasgow, PA14 5QW (“the Property”)

Parties:

Topaz Finance Limited t/a Hyalite Mortgages, The Pavilions, Bridgwater Road, Bristol, BS13 8AE (“the Applicant”)

Lyndsey Loudon, 12 Angus Road, Port Glasgow, PA14 5QW (“the Respondent”)

Tribunal Members:

Gabrielle Miller (Legal Member) and Janine Green (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for recovery and possession should be granted in favour of the Applicant.

Background

1. An application was received by the Housing and Property Chamber dated 24th October 2024. The application was submitted under Rule 65 of The First-tier for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 Regulations”). The application was based on ground 2 of the Housing (Scotland)(Act) 1988 (“the Act”).
2. On 8th March 2025, all parties were written to with the date for the Case Management Discussion (“CMD”) of 19th May 2025 at 10am by teleconference. The letter also requested all written representations be submitted by 29th March 2025.

3. On 12th March 2025, sheriff officers served the letter with notice of the CMD date and documentation upon the Respondent by letterbox service. This was evidenced by Certificate of Intimation dated 12th March 2025.

The Case Management Discussion

4. A CMD was held on 19th May 2025 at 10am by teleconference. The Applicant was not present but was represented by Mis Caitlin Bell, Solicitor, TLT LLP. The Respondent was not present and was not represented. The Tribunal proceeded in terms of Rule 29 of the Rules. The Respondent did not make any representations in advance of the CMD.
5. Miss Bell said that it was the Applicant's intention to sell the Property once the Respondent has left it. The Applicant has decided that it would be better to sell it without a sitting tenant. Miss Bell said that the Respondent has been in contact recently. The Respondent emailed on 14th May 2025 to say that she was still working on getting local authority housing and that there were outstanding repairs that still need to be done. The Respondent then emailed again on 16th May 2025 to say that she will be able to get her local authority property within the next two weeks. Miss Bell said that she had no reason to doubt this and it was reasonable to grant an order as the Respondent will have left by the time the Applicant is able to serve the 14 day notice (after the 30 day appeal period has lapsed). She noted that the local authority has a duty to rehouse the Respondent. Miss Bell said that she was not aware of the Respondent having any disabilities or vulnerabilities. She did not know if the Respondent had any children but did note that it was a 2-3 bedroomed property.
6. The Tribunal was satisfied that there were no issues before it to prevent an order for eviction being granted. It particularly noted that the Respondent had emailed very recently to the Applicant to say that she was to be rehoused within the next two weeks.

Findings and reason for decision

7. The parties entered into a Short Assured Tenancy on 10th December 2013 until 9th June 2014. An AT5 was signed by both parties on 25th November 2013. The rent payments of £450 are due on the tenth day of each month.
8. An order for repossession was granted against the landlord on 5th April 2024.
9. On 20th June 2024 the Applicant issued a Notice to Quit upon the Respondent. After which an application was made to the Housing and Property Chamber on 24th October 2024.
10. It is the intention of the Applicant that the Property will be sold once the Respondent has left. The Applicant has deemed that the Property cannot be sold with the Respondent remaining as a sitting tenant.

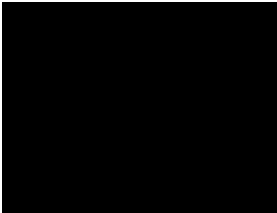
11. The Respondent is awaiting allocation of a local authority property within two weeks of 16th May 2025.
12. There are no issues of reasonableness that prevent an order from being granted.

Decision

13. The Tribunal found that ground 2 has been established and granted an order in favour of the Applicant. The Applicant is entitled to an Order for recovery of possession.

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.



Gabrielle Miller

Legal Member/Chair

19th May 2025

Date