



**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**

**Chamber Ref: FTS/HPC/EV/19/0552**

**Re: Property at 14/7 Westburn Grove, Wester Hailes, Edinburgh, EH14 2RZ  
("the Property")**

**Parties:**

**Mr Dale Hughes, 59 Braid Road, Edinburgh, EH10 6AR ("the Applicant")**

**Mr Gwom Peter, 14/7 Westburn Grove, Wester Hailes, Edinburgh, EH14 2RZ  
("the Respondent")**

**Tribunal Members:**

**Eleanor Mannion (Legal Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that the application made pursuant to Rule 66 of the First Tier Tribunal Housing and Property Chamber (Rule of Procedure) Amendment Regulations 2017 be granted and an order for possession of the Property under Section 33 of the Housing (Scotland) Act 1988.**

A Case Management Discussion took place on 16<sup>th</sup> April 2019 pursuant to an application made by the Applicant on the 11<sup>th</sup> February 2019 for repossession of the Property. The Applicant was represented by Mrs Lesley McLaughlin of 1-2-1 Let (Letting & Sales) Ltd. The Respondent was represented by his wife Rifkatu Peter.

Mrs McLaughlin confirmed that the Applicant was seeking repossession of the Property in order to sell it but principally to undertake repair work due to damp in the Property. She stated that the Applicant was concerned that the Property was no longer a safe place to live and that further damage might be caused, not only to the Property, but to adjoining properties. She stated that notices were served in the normal way and that dates to leave the Property had been agreed with the Respondent but that these have passed without the Respondent vacating the Property.

Form E referred to Ground 10 as the basis for the application. Along with Form E, a Notice to Quit dated 28<sup>th</sup> September 2018 was lodged which set out a removal date of the 15<sup>th</sup> November 2018. A Section 33 notice dated 28<sup>th</sup> September 2018 was also lodged, with proof of service for both notices upon the Respondent by Sheriff Officers and a Section 11 Notice to Edinburgh City Council.

Mrs Peter accepted that the notices had been received and that she was aware of them and their purpose. She explained that the Respondent and his family remained in the property because they were still looking for alternative accommodation. She explained that the children did not want to be too far from their school and that they were still viewing properties but that they did not have anywhere set just yet. She explained she did not disagree with what Mrs McLaughlin had said and that they hoped initially to be able to get the money together to purchase the property.

Given the type of tenancy before the Tribunal, the notices that have been properly completed and served, I decided to grant the application and make an Order for possession of the Property. This was explained to Mrs Peter who was also informed that the Order would not be effective for a further 30 days.

### **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.**

**Ms Eleanor Mannion**

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**Legal Member/Chair**

16/4/19  
\_\_\_\_\_  
**Date**