



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

Chamber Refs: FTS/HPC/EV/18/3184

Re: Property at 1F1, 5 Royal Crescent, Edinburgh, EH3 6PZ (“the Property”)

Parties:

Freeworld Holdings Limited, 33 East Trinity Road, Edinburgh, Midlothian, EH5 3DL (“the Applicant”)

Represented by Jonny Nisbet, Nisbets, solicitors, 30 Woodburn Terrace, Edinburgh EH10 4SS

Mr Iain Osborne, 1F1, 5 Royal Crescent, Edinburgh, EH3 6PZ (“the Respondent”)

Represented by Shirley Cremin, Dalia Crespi, and Jamie Fisher, Harmony Care and Support Service, 142A Ferry Road, Edinburgh EH6 4NX

Tribunal Member:

David Bartos (Legal Member)

Summary of Discussion

1. The hearing took place on 10 June 2019 at 10.00 a.m. at George House, 126 George Street, Edinburgh EH2 4HH. The Applicant was represented by Mr Nisbet, solicitor. The Respondent was represented by Mr Geary, in-court adviser at Haddington Citizens’ Advice Bureau and Ms Crespi, a support worker at Harmony Care and Support.
2. The hearing followed on from the case management discussions (“CMDs”) on 28 January, 4 April and 16 May all 2019. The Notes from the CMD of 4 April 2019 (dated 17 April 2019) made certain findings of fact and in paragraph 34 identified a number of remaining disputed issues.
3. On 7 June 2019 the parties lodged a joint minute with the Tribunal stating that the claim in the application had been settled and seeking an order for recovery of possession.

4. The Tribunal took from the joint minute that the parties were agreed that either ground 8 of schedule 5 to the Housing (Scotland) Act 1988 was satisfied or that grounds 11 or 12 of that schedule were satisfied and that it was reasonable for the Tribunal to order recovery of possession.
5. In addition the Tribunal took from the joint minute that parties were agreed that the form AT6 under section 19 of the 1988 Act had been validly served on the Respondent.
6. In those circumstances the Tribunal found that section 18 of the 1988 Act had been complied with and that it should grant the order sought.

Outcome and Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) orders the Respondent to remove himself from and to give up possession of the Property in favour of the Applicant.

NOTE: This document is not confidential and will be made available to other First-tier Tribunal for Scotland (Housing and Property Chamber) staff, as well as issued to tribunal members in relation to any future proceedings on unresolved issues.

D Bartos

Legal Member

10 June 2019
Date