



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 (Act)

Chamber Ref: FTS/HPC/EV/22/2065

Re: Property at 9 Hillcrest Avenue, Perth, PH1 2BJ (“the Property”)

Parties:

Mrs Vivian Bianco, Knockhill Lodge, Glenquiech, Memus by Forfar, DD8 3UA (“the Applicant”)

Mr Jamie Farquharson, Miss Lee-Ann Todd, 9 Hillcrest Avenue, Perth, PH1 2BJ; 9 Hillcresf Avenue, Perth, PH1 2BJ (“the Respondent”)

Tribunal Members:

Alan Strain (Legal Member) and Sandra Brydon (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application for eviction and recovery of possession be granted.

Background

This is an application under section 33 of the Act and Rule 66 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (**Regulations**) in respect of the termination of a Short-Assured Tenancy (**SAT**).

The Tribunal had regard to the following documents:

1. Application received 28 June 2022;
2. SAT commencing 24 September 2014 and AT5;
3. Notice to Quit dated 14 April 2022;
4. Section 33 Notice dated 14 April 2022;
5. Royal Mail Recorded Delivery Receipts;
6. Section 11 Notice with proof of service;

Hearing

The Applicant did not appear but was represented by Mr P MacGregor, Solicitor. The First Respondent appeared for both Respondents.

The Applicant wished to recover possession and sell the Property realise the estate of her late mother who had been the landlord.

The Respondents did not oppose the grant of an order for recovery of possession. They were in contact with the local authority to obtain alternative accommodation and had suitable emergency accommodation if that was required. They live in the Property with their two daughters aged 9 and 6. They were also monitoring the private rented sector.

Decision and Reasons

The Tribunal then considered the eviction application before it.

The Tribunal considered the oral and documentary evidence from the Parties and in so far as material made the following findings in fact:

1. The Parties let the subjects under an SAT commencing 24 September 2014;
2. An AT5 had been served on the Respondent prior to commencement of the SAT;
3. Notice to Quit and Section 33 Notice had been served on 15 April 2022;
4. Section 11 Notice had been served on the local authority;
5. The SAT had reached its ish and had been terminated;
6. Tacit relocation was no longer operating;
7. No further contractual tenancy was in existence;
8. The Applicant had given the Respondents notice that she required possession;
9. The Applicant needed to sell the Property to finalise the realisation of her late mother's estate;
10. The Respondents were in contact with the local authority to obtain alternative accommodation and had emergency accommodation available if required.

The Tribunal considered all of the evidence and submissions. The Tribunal were aware that it had to be satisfied that it was reasonable in the circumstances to grant the order sought. The Tribunal determined that it would be reasonable to grant the order sought in the circumstances.

The Tribunal granted the application for eviction and 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.

A Strain

29 September 2022

Legal Member/Chair

Date