

**Housing and Property Chamber**  
First-tier Tribunal for Scotland

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**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/23/2822**

**Re: Property at 3/1, 8 Gardner Street, Dundee, DD3 6DU (“the Property”)**

**Parties:**

**Mr Andrew Loudon t/a A & L Properties, Mrs Linda Jane Loudon t/a A & L Properties, 30 Dundee Road, Flat 2, Broughty Ferry, DD5 1LX (“the Applicant”)**

**Mr Neil Clark, 3/1, 8 Gardner Street, Dundee, DD3 6DU (“the Respondent”)**

**Tribunal Members:**

**Andrew McLaughlin (Legal Member) and Mary Lyden (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 order under Section 33 of the Act. The Application is accompanied by: a copy of the relevant tenancy agreement; the notice served under Section 33 of the Act; the relevant notice to quit; proof of service of the notices; the notice under s 11 of the Homelessness (etc) (Scotland) Act 2003; a form AT6 also served under ground 12 of Schedule 5 of the Act and a rent statement.

## **The Case Management Discussion**

[3] The Application called for a Case Management Discussion (CMD) by conference call at 2pm on 30 November 2023. The Tribunal waited until 2.05 pm before commencing as the Respondent was not in attendance. The Second Applicant Ms Linda Loudon was present along with her representative, Ms Coleman. The Tribunal heard from Ms Coleman and adjourned to consider its decision. When the Tribunal resumed having made its deliberations, the Respondent joined on the line. He confirmed that he was not opposing the Eviction Order sought. In any event the Tribunal had made the following findings in fact in his absence.

## **Findings in Fact**

- I. *The parties entered into a tenancy agreement whereby the Applicants let the Property to the Respondent on a Short-Assured Tenancy Agreement;*
- II. *The Applicants wish to sell the Property and retire to Spain;*
- III. *They require to release funds to obtain a Visa from the Spanish government;*
- IV. *The Applicants competently served a notice under Section 33 of the Act and a notice to quit calling upon the Respondent to remove himself from the Property. The Respondent has remained in occupation;*

V. *It is reasonable to make an Eviction Order.*

### **Reasons for Decision**

[4] Having made the above findings in fact, the Tribunal granted the Application and made an Eviction Order.

### **Right of Appeal**

[5] 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 McLaughlin**

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Legal Member/Chair

30 November 2023

Date