



**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/23/2487

**Re: Property at 133 Maryfield Park, Mid Calder, West Lothian, EH53 0SD (“the
Property”)**

Parties:

**Dr Michael Clements, Ms Finola Clare Lynch, 970 Fairmile Road, West
Vancouver, V7S 1R5, Canada (“the Applicant”)**

**Mr Stephen John McAleer, 133 Maryfield Park, Mid Calder, West Lothian, EH53
0SD (“the Respondent”)**

Tribunal Members:

Andrew Upton (Legal Member) and Jane Heppenstall (Ordinary Member)

Decision (in absence of the Respondent)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that an eviction order should be granted.**

Statement of Reasons

1. This Application called for its Case Management Discussion by teleconference call on 10 January 2024. The Applicants were represented by Mr McQueenie. The Respondent was neither present nor represented.
2. In this Application the Applicants seek an eviction order under section 33 of the Housing (Scotland) Act 1988. They contend that there is a short assured tenancy between the parties, that it has reached its end, that the contractual tenancy has been brought to an end by service of a notice to quit, and that they have given notice of their requirement for possession under section 33.
3. In terms of Rule 17(4) of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017, the Tribunal may do anything at

a CMD that it may do at a Hearing, including make a decision. In terms of Rule 2, when making a decision, the Tribunal requires to have regard to the overriding objective to deal with proceedings justly; including by avoiding unnecessary delay.

4. The Respondent has received service of the Application. He has been afforded an opportunity to oppose the Application by submitting written representations and by appearing at the CMD. He has chosen not to do so. In the circumstances, the Tribunal is satisfied that the Respondent does not dispute the assertions made by the Applicants in the Application.
5. That being so, the Tribunal is satisfied that the appropriate notices have been served in this case. The only outstanding matter is whether it is reasonable to grant an eviction order.
6. Mr McQueenie advised the Tribunal that the Respondent lives alone in the property. He is not believed to be in employment. The Applicants are unaware of his entitlement to universal credit. The Property has not been adapted for the Respondent's use. The Respondent has not made payment of rent since April 2023. He is currently in arrears of £3,800. There has been no contact with the Respondent since August or September 2023. Correspondence sent to the Respondent since then has not been answered. Attempts at Property inspections since then have not been complied with. The Applicants inherited the Property in or around 2016. In 2022 the Applicants emigrated to Canada. The Property is their only remaining heritable asset in the UK. The Applicants are currently living in rented accommodation in Canada. They wish to sell the Property to realise its capital value for the purposes of purchasing a home in Canada.
7. Having heard from Mr McQueenie, the Tribunal is satisfied that it is reasonable to grant the eviction order.

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.

10/01/2024

Legal Member/Chair

Date