



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/23/2821

Re: Property at 11 Speyburn Place, Lawthorn, Irvine, KA11 2BE (“the Property”)

Parties:

Rupinder Dhillon, Rejpaul Dhillon, 24 Carson Drive, Irvine, KA12 8HR (“the Applicant”)

Mr Stephen Ripley, 11 Speyburn Place, Lawthorn, Irvine, KA11 2BE (“the Respondent”)

Tribunal Members:

Andrew McLaughlin (Legal Member) and Mary Lyden (Ordinary Member)

Decision

[1] The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted the Application and made an Eviction Order.

Background

[2] The Application seeks an Eviction Order under Section 33 of the Housing (Scotland) Act 1988. The Application had been defended on the basis of the reasonableness of making the order sought. The Application had been continued to a Hearing for evidence to be heard.

The Hearing

[3] The Application called for a Hearing by video call on 22 February 2024. The Applicants were represented by Ms McDiarmid of Hovepark Lettings. The Respondent

was personally present together with his representative, Ms Petrescu of Barnetts Solicitors.

[4] Parties advised that the Respondent had now found alternate accommodation and had substantially moved out of the Property but had yet to return the keys and a few other items left in the Property. All parties confirmed they had no issue with the Tribunal simply now granting an Eviction Order. Having heard from parties, the Tribunal made the following findings in fact.

Findings in Fact

- I. *The Applicants let the Property to the Respondent by virtue of a Short Assured Tenancy within the meaning of the Act;*
- II. *The Applicant competently served a notice to quit and a notice under Section 33 of the Act ending the contractual tenancy to an end;*
- III. *The Respondent remained in occupation of the Property;*
- IV. *The Respondent has now moved out of the Property and intends to return the keys within the next day or so;*
- V. *All parties agree that an Eviction Order is now reasonable.*

Reasons for Decision

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

Andrew McLaughlin

Legal Member/Chair

22 February 2024
Date