



**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/23/4525**

**Re: Property at 43 Wellcroft Terrace, Hamilton, ML3 9SF (“the Property”)**

**Parties:**

**June Hanney, 36 Craigson Place, Airdrie, ML6 8PH (“the Applicant”)**

**Miss Lisa McLearn, Mr Steven Marshall, 43 Wellcroft Terrace, Hamilton, ML3 9SF  
 (“the Respondent”)**

**Tribunal Members:**

**Andrew Upton (Legal Member) and Gordon Laurie (Ordinary Member)**

**Decision**

**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 18 April 2024. The Applicant was represented by Mrs Saddiq, solicitor. The Respondents were both present on the call.
2. This is an application under section 33 of the Housing (Scotland) Act 1988. The applicant contends that there is a short assured tenancy between the parties, that it has reached its end, that tacit relocation is not operating, that the required notices have been served, and that it is reasonable to grant an eviction order. The Applicant is 63 years old. She is still in employment, but is looking to retire. She has inherited an interest in her family home, which is where her older sister resides. The Applicant provides financial support and is also her sister’s carer. She has paid for refurbishments to the family home to support her sister. In the meantime, the outlays for the let Property have increased and now exceed the rental income. In particular, the contractual

monthly instalment for the mortgage is £405.80, and the costs of insuring the property and the gas apparatus is approximately £60 per month. That compares to a rent of £450 per month. The Applicant intends to sell the Property. She has credit card debt of approximately £30,000, and intend to use the equity in the Property to address that debt.

3. The Respondents do not oppose the Application. They have been offered alternative accommodation by the local authority, and have accepted that offer in writing. The new accommodation is currently undergoing repairs, and it is expected that it will be ready for occupation in mid-May 2024.
4. 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 Case Management Discussion that it may do at a Hearing, including make a Decision. In terms of Rule 2, when making a Decision, the Tribunal must have regard to the overriding objective to deal with proceedings justly; including the need to avoid unnecessary delay.
5. There are no relevant facts in dispute here. The Tribunal is satisfied that it has sufficient information to make a Decision without further delay. Given that (i) the Applicant intends to sell the Property, (ii) the Respondents intend to remove from the Property, and (iii) alternative accommodation will shortly be ready for the Respondents to move, 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.**

# Andrew Upton

**18 April 2024**

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**Legal Member/Chair**

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**Date**