



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/23/4068

Re: Property at 46/9 Motherwell Road, Bellshill, ML4 2DX (“the Property”)

Parties:

Mr Manvir Singh, Lesley Miller, Milton House, Milton Lockhart Estate, Rosebank, Carluke, ML8 5QA (“the Applicants”)

Miss Angela McPherson, 46/9 Motherwell Road, Bellshill, ML4 2DX (“the Respondent”)

Tribunal Members:

Nicola Irvine (Legal Member) and Helen Barclay (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicants are entitled to the Order sought for recovery of possession of the property.

Background

1. The Applicants submitted an application under Rule 66 for an order to evict the Respondent from the property.
1. The Tribunal held a case management discussion (“CMD”) on 18 April 2024 and issued a note to parties following that CMD. A further CMD was assigned for 16 August 2024 at 10am.

The case management discussion – 16 August 2024

2. The CMD took place by conference call. The Applicants were represented by Miss Vicki McGuire and the Respondent represented herself. The Tribunal explained the purpose of the CMD. The Respondent explained that she has remained in contact with her housing worker, but alternative accommodation has not yet been identified. There are a number of repairing issues outstanding at the Property. The Respondent lives alone in the Property with her dog. She has some mobility issues and may benefit from an adapted Property. The Respondent no longer wants to live in the Property and did not oppose the application.
3. The Applicants' representative explained that the Applicants own 7 rental properties intend to sell all of them and cease activities as landlords. All of the properties are being actively worked on with a view to selling them. In relation to repairing issues, the local authority reported some repairs but there have been difficulties in gaining access to the Property. The Applicants' representative now has a contact number for the Respondent so that arrangements can be made to have repairs carried out.
4. The Tribunal adjourned briefly to consider the information provided by both parties. The Tribunal explained that it found that the tenancy had been brought to an end by the operation of section 33 and that it was reasonable to grant the order.

Findings in Fact

5. The parties entered into a short assured tenancy which commenced 3 April 2017.
6. The Applicants served Notice to Quit and Notice in terms of Section 33 of the Housing (Scotland) Act 1988 on the Respondent by sheriff officer on 8 June 2023.
7. The short assured tenancy had reached its end.
8. Tacit relocation was not operating.
9. No further contractual tenancy is in operation.

Reason for Decision

10. The Tribunal proceeded on the basis of the documents and the submissions made at the CMD. The Respondent did not oppose the application. The Tribunal was satisfied that the conditions of section 33 had been met and that it was reasonable in the circumstances to grant the order evicting the Respondent from the property.

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.

Nicola Irvine

Legal Member/Chair

16 August 2024

Date