



**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/24/0117**

**Re: Property at 124 Victoria Street, Blantyre, G72 0EF (“the Property”)**

**Parties:**

**Matthew Redward, 33 Liberty Lane, Addlestone, KT15 1NQ (“the Applicant”)**

**Lorraine Kier Neill, 124 Victoria Street, Blantyre, G72 0EF (“the Respondent”)**

**Tribunal Members:**

**Richard Mill (Legal Member) and Gerard Darroch (Ordinary Member)**

**Decision (in absence of the Respondent)**

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

**Introduction**

1. This application is under rule 66 and section 33 of the Housing (Scotland) Act 1988. The application seeks an eviction order.
2. Intimation of the application and of the Case Management Discussion (‘CMD’) was effected upon the respondent by Sheriff officers on 9 May 2024.
3. The applicant was represented by Miss Alexandra Wooley of Bannatyne Kirkwood France & Co. The respondent has not engaged in the process and failed to participate in the hearings on 14 June and 13 September 2024.

## Findings and Reasons

4. The property is 124 Victoria Street, Blantyre G72 0EF. The applicant is Matthew Redward. He is the heritable proprietor and registered landlord of the property. The respondent is Lorraine Kier Neill who is the tenant.
5. The parties entered into a short assured tenancy which first commenced on 7 December 2016. The lease was initially for the period until 8 July 2017 and has continued on a month to month basis since. The monthly rent was agreed at £450 per month.
6. On 16 August 2023 the applicant served by recorded delivery upon the respondent a Notice to Quit. In the terms of the said Notice to Quit, the applicant gave notice to the respondent that she would require to remove from the property on or before 8 November 2023. Further, on 16 August 2023 the applicant served by recorded delivery upon the respondent Notice under Section 33(1)(d) of the Housing (Scotland) 1988 stating that possession was required of the property as at 8 November 2023. Royal Mail documentation is available which evidences the posting of the documents on 16 August 2023 and their proof of delivery, signed for by the respondent on 17 August 2023.
7. The short assured tenancy between the parties has reached its end. Tacit relocation is not operating. No further contractual tenancy is in existence. The applicant has complied with the terms of Section 33(1)(d) of the Housing (Scotland) Act 1988.
8. The tribunal considered the reasonableness of the eviction order being granted.
9. The applicant seeks to evict the respondent on the grounds that he intends to re-let property due to existing rent arrears. As at the date of the hearing the rent arrears stand at £2,240.20 which is evidenced by a detailed rent statement which is found to be credible and reliable. The Respondent has not made any reasonable offer to clear the arrears over a reasonable period of time. Direct payments of the housing element of Universal Credit are in payment including a token amount towards arrears but the arrears would take around 39 years to clear at current levels.
10. The respondent has not opposed the eviction application. She has lived in the property for 8 years. She is in receipt of benefit income and has two children. She previously intimated the applicant's letting that she wished to look at council housing.
11. A section 11 notice under the Homelessness etc (Scotland) Act 2003 has been issued to South Lanarkshire Council. In the event of an eviction order being made the local authority is under a statutory duty to make suitable alternative accommodation available.

12. The tribunal concluded that it was 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.**

Richard Mill

**13 September 2024**

**Legal Member/Chair**

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**Date**