



**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/24/1705**

**Re: Property at Fishescoates Farm, Fishescoates Avenue, Rutherglen, G73 5QZ  
("the Property")**

**Parties:**

**Dignity Funerals Limited, 4 King Edwards Court, King Edwards Square, Sutton,  
Coldfield, B73 6AP ("the Applicant")**

**Mr Robert Swan Munn, Mrs Karen Elizabeth Munn, Fishescoates Farm,  
Fishescoates Avenue, Rutherglen, G73 5QZ; Fishescoates Farm, Fishescoates  
Avenue, Rutherglen, G73 5QZ ("the Respondent")**

**Tribunal Members:**

**Mark Thorley (Legal Member) and Mary Lyden (Ordinary Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the  
Tribunal") determined that an order for eviction of the Respondent from the  
property be granted.**

- Background

The Applicant applied to the Tribunal by application dated 15 April 2024.

The application was accompanied by the following documents:

1. Extract registered short assured tenancy agreement dated 10 and 20  
January 2014
2. AT5 to Mr Munn
3. AT5 to Mrs Munn
4. Section 33 (1)(d) notice dated 30 October 2023 to Mr Munn
5. Section 33(1)(d) notice dated 30 October 2023 to Mrs Munn

6. Copy notice to quit to Mr Munn
7. Copy notice to quit to Mrs Munn
8. Proof of service re Mr Munn
9. Proof of service re Mrs Munn
10. Copy section 11
11. Copy email to South Lanarkshire Council

The application was acknowledged by the Tribunal on 16 April 2024 and accepted for determination on 9 May 2024.

The application was sent to the Respondent on 1 August 2024. No representations were received.

### The Case Management Discussion

At the case management discussion the Applicant was represented by Mr Ben Zielinski. The Respondent attended.

The Respondent acknowledged that this was a 4 bedroom house where they both lived along with 2 adult children. It was attached to a funeral business. There was a 10 year lease for the property which had expired. The lease was part of a business transaction whereby the Respondent sold the business to the Applicant and obtained the lease of the Property.

The Respondent was served with a notice to quit on 30 October 2023. They were looking for alternate accommodation to live in.

There was no defence set out.

The Applicant believed that the Respondent had been given time enough to find alternate accommodation.

- Findings in Fact
  1. The parties entered in to a short assured tenancy on 10 and 20 January 2014 for the lease of the property for 10 years.
  2. The lease had expired.
  3. The tenancy had been brought to an end.
  4. It was not unreasonable to evict.
- Reasons for Decision

The Respondent did not state any defence to the application beyond wanting more time to make arrangements to move. The notice to quit had been served in October 2023 so nearly a year had elapsed since the Applicant gave notice to the Respondent of the wish to recover the property

The Tribunal assessed reasonableness. The property was a 4 bedroomed house. It had been linked to the Respondent former business. There was no longer a business link.

- Decision

To grant the order of eviction.

### **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.**

M Thorley

**05 September 2024**

**Legal Member/Chair**

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**Date**