



**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 and Rule 66 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules)**

**Chamber Ref: FTS/HPC/EV/24/3685**

**Re: Property at 54 Monteith Drive, Glasgow, G76 8NY (“the Property”)**

**Parties:**

**Mrs Clare Ward, 169 Brunton Street, Glasgow, G44 3NE (“the Applicant”)**

**Ms Amy Banks, 54 Monteith Drive, Glasgow, G76 8NY (“the Respondent”)**

**Tribunal Members:**

**Andrew Cowan (Legal Member) and Mary Lyden (Ordinary Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the statutory requirements for eviction and recovery of possession have been established and that it is reasonable to grant the order sought.**

**Background**

1. By application dated 12 August 2024, the Applicant sought an order under section 33 of the Housing (Scotland) Act 1988 (“the Act”) and in terms of rule 66 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017.
2. On 2<sup>nd</sup> October 2024 the application was accepted by the tribunal and referred for determination by the tribunal.

3. A Case Management Discussion was arranged to take place on 11<sup>th</sup> April 2025 and appropriate intimation of that hearing was given to both parties.

### **The Case Management Discussion**

4. The Case Management Discussion (CMD) took place on 11<sup>th</sup> April 2025 by telephone conference call. The Applicant was represented by Mr Craig Gardiner of Gardiner Waters Limited, the Landlord's letting agents. The Applicant joined the conference call from Australia. The Applicant listened to the call but did not otherwise take part in the proceedings.
5. The Respondent also joined the conference call.

### **Discussions at CMD**

6. At the start of the CMD the Respondent confirmed to the Tribunal that she did not wish to object to the Application. She confirmed that she understood the order sought and had copies of the application papers. The Respondent did not wish to argue that the grant of an order of eviction would be unreasonable. The Respondent indicated that she had applied to the local authority for rehousing. The Respondent did not wish to seek an extended period for an eviction order to become enforceable. She understood that an order from the Tribunal for her eviction could be enforced by the date specified by the tribunal in the eviction order.
7. The Applicant's representative confirmed that the Applicant continues to seek an order for eviction. The application papers confirmed that the Applicant and her family are currently resident in Australia. They intend to return to live in the UK. They wish to return to live at the Property whilst they carry out renovations and thereafter possibly sell the Property.

### **Findings in Fact**

8. The Applicant and the Respondent, as respectively the landlord and the tenant, entered into a tenancy of the property by an agreement dated 13<sup>th</sup> January 2017.

9. The tenancy is a short assured tenancy in terms of the Act.
10. On 20<sup>th</sup> May 2024, the Applicant served upon the tenant a notice to quit and a notice in terms of section 33 (1) (d) of the Act. These notices were served on the respondent by Recorded Delivery mail. Said notices became effective on 31<sup>st</sup> July 2024.
11. The notices informed the tenant that the landlord wished to seek recovery of possession using the provisions of section 33 of the Act.
12. The notices were correctly drafted and gave appropriate periods of notice as required by law.
13. The basis for the order for possession was accordingly established.
14. A section 11 notice in terms of the *Homelessness Etc. (Scotland) Act 2003* served by email upon East Renfrewshire Council by the Applicant's representative on 6<sup>th</sup> August 2024.

### **Decision and reasons**

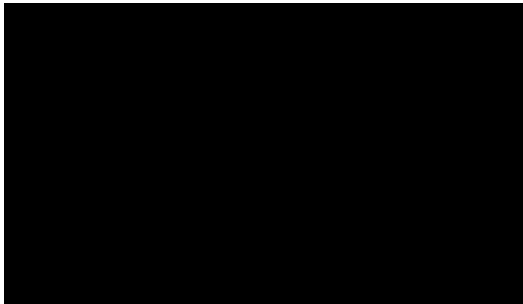
15. An eviction order on this basis can only be granted if the Tribunal is satisfied that it is reasonable to issue an eviction order
16. In determining whether it is reasonable to grant the order, the tribunal is required to balance all the evidence which has been presented and to weigh the various factors which apply to the parties
17. In this case the tribunal finds that it is reasonable to grant the order.
18. The Respondent has confirmed that she does not wish to oppose the application and that she is seeking alternative housing.
19. The Tribunal have determined that, having considered all of the relevant circumstances, the balance of reasonableness in this case weighs towards the Applicant.

20. The Tribunal's order for eviction shall not be enforceable before 16<sup>th</sup> May 2025.

21. The Tribunal also exercised the power within rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 and determined that a final order should be made at the CMD

### **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.**



**Legal Member/Chair**

**11<sup>th</sup> April 2025**

**Date**

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