



**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/24/3772**

**Re: Property at 74 Church Street, Larkhall, ML9 1HE (“the Property”)**

**Parties:**

**Mr Manvir Singh, Milton House, Milton Lockhart Estate, Rosebank, Carluke, ML8  
5QA (“the Applicant”)**

**Ms Carol McMichael, Mr Stephen Chance, 74 Church Street, Larkhall, ML9 1HE  
 (“the Respondents”)**

**Tribunal Members:**

**Nairn Young (Legal Member) and Mary Lyden (Ordinary Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the  
Tribunal”) determined that**

- Background

This is an application for an order for possession of the Property, which was let to the Respondents by the Applicant in terms of a short assured tenancy agreement. It called for case management discussion (‘CMD’) at 2pm on 12 March 2025, by teleconference. The Applicant was represented on the call by Ms Vikki McGuire of Jewel Homes. The Respondents were on the call in person.

- Findings in Fact

The basic facts of the case were not in dispute between the parties, as follows:

1. The Respondents let the Property from the Applicant in terms of a short assured tenancy agreement with an initial term of one year, commencing 13 June 2014, and running on thereafter month to month unless terminated.
2. In terms of the agreement, termination of the lease on an ish date could be effected by either party giving at least four weeks notice to the other.
3. The Applicant served notice to quit on 21 March 2024 on the Respondents terminating the tenancy on 13 June 2024, along with notice that he required possession of the Property at termination, in terms of s.33(1)(d) of the Housing (Scotland) Act 1988 ('the Act').
4. The Applicant wishes to sell the Property.
5. The Respondents both have significant physical health issues. The first-named Respondent is also the carer for the second-named Respondent.
6. The Respondents have contacted the local authority to indicate they are at risk of homelessness, but have not brought their specific issues to its attention. They have been told that they will not be rehoused until an order for possession is granted against them.

- Reasons for Decision

7. The tenancy has reached its ish and tacit relocation is not operating. The notice required by s.33(1)(d) of the Act was served. It is reasonable for an order for possession to be granted. The Applicant wishes to sell the Property and the Respondents do not suggest it is unreasonable for him to be allowed to do so. The time period between the granting of the order and its possible

execution will allow them an opportunity to bring their particular needs to the attention of the local authority and seek prioritisation for re-housing. The requirements of s.33 of the Act are therefore met and an order should be granted.

- Decision

**Order for possession granted.**

**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.

Nairn Young

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**Legal Member/Chair**

28.03.2025

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**Date**