

Housing and Property Chamber
First-tier Tribunal for Scotland



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/24/3790

Re: Property at 2B Thrush Place, Johnstone, PA5 0RZ (“the Property”)

Parties:

Mr Michael Dineen, Flat 2/2, 9 Overdale Street, Langside, G42 9PZ (“the Applicant”)

Miss Cheryl Feran, 2B Thrush Place, Johnstone, PA5 0RZ (“the Respondent”)

Tribunal Members:

Andrew McLaughlin (Legal Member) and Angus Lamont (Ordinary Member)

Decision

[1] The Tribunal grants the Application and makes an Eviction Order subject to the condition that it may not be enforced until 16 July 2025.

Background

[2] The Applicant seeks an Eviction Order under Section 33 of the Act. The Application is accompanied by a copy of the relevant tenancy agreement; the relevant notice under Section 33 of the Act; the relevant notice to quit; the relevant notice under Section 11 of the Homelessness (etc) (Scotland) Act 2003 and proof of service.

The Case Management Discussion

[3] The Application called for a Case Management Discussion (CMD) by conference call at 2 pm on 16 April 2025. The Applicant was represented by Ms Deans of Emmerson Homes. The Respondent was personally present together with her friend Ms McDaid, who the Respondent wished to act as her representative.

[4] The Respondent had helpfully submitted documentation in advance which explained that the Respondent was blind and required the assistance of a guide dog. It also explained that she lived with a young son and informed the Tribunal about the Respondent's general domestic and personal circumstances. It also included correspondence from the Respondent's social worker which explained that the Property was not suitable for the Respondent's disability.

[5] The Respondent explained that she was keen for the Tribunal to issue an Eviction Order as it would help her find more suitable alternative accommodation. Ms McDaid suggested that it might be helpful if the Tribunal were to allow the Respondent some further time to leave the Property so that the local authority would have a better opportunity to avoid short term accommodation which may not be appropriate for the Respondent and her guide dog. Ms Deans did not oppose that.

[6] The Tribunal carefully considered the reasonableness or otherwise of granting the Application. Having done so, the Tribunal made the following findings in fact.

Findings in Fact

1. *The Applicant let the Property to the Respondent by virtue of a Short-Assured Tenancy within the meaning of the Act;*
2. *The Applicant competently ended the tenancy by competently serving a notice under Section 33 of the Act and a notice to quit;*
3. *The Applicant has served the requisite notice under Section 11 of the Homelessness (etc) (Scotland) Act 2003;*
4. *The Applicant wishes to sell the Property;*
5. *The Respondent is not opposed to the Application and indeed requires an Eviction Order to be made so that she can be offered more suitable accommodation by the local authority;*
6. *The Respondent would benefit from having more time to vacate the Property so that the local authority can find her suitable accommodation without having to resort to short term accommodation. That may not be suitable for someone who relies on a guide dog as guide dogs require to become familiar with certain set routes in order to assist their owners.*

Reasons for Decision

[6] Having made the above findings in fact, the Tribunal found that the tenancy had been validly ended under Section 33 of the Act and that it was reasonable to make an

Eviction Order. The Tribunal therefore granted the Application on the basis that it may not be enforced until 16 July 2025.

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.

Andrew McLaughlin

Legal Member/Chair

Date: 16 April 2025