



**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/24/4190**

**Re: Property at 7 Sinclair Place, Falkirk, FK2 7QR (“the Property”)**

**Parties:**

**Northwood Central Ltd, 9-11 Bank Street, Falkirk, FK1 1NB (“the Applicant”)**

**Mr Jason Anderson, Miss Karen Glennon, 7 Sinclair Place, Falkirk, FK2 7QR (“the Respondents”)**

**Tribunal Members:**

**Richard Mill (Legal Member) and Jane Heppenstall (Ordinary Member)**

**Decision**

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

**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 respondents by Sheriff officers on 4 March 2025.
3. The applicant was represented by Ms Alexandra Wooley of Bannatyne Kirkwood France & Co. Anne Johnstone managing director of the Applicant company was also in attendance. The first respondent joined the hearing.

## Findings and Reasons

4. The property is 7 Sinclair Place, Falkirk FK2 7QR. The applicant is Northwood (Central Lowlands) Ltd. The heritable proprietors are Linzi Dunsmore and Michael Dunsmore who are the heritable proprietors. The applicant holds the landlord's interest in the tenancy agreement between the parties. The heritable proprietors leased the property to the applicant under Guaranteed Rent Agreements. This granted authority to the applicant to sublet the property. The respondents are Karen Glennon and Jason Anderson who are the tenants.
5. The parties entered into a short assured tenancy which first commenced on 6 June 2017. An AT5 Notice under section 32 of the 1988 Act was served on the respondents prior to the creation of the tenancy. The lease was for an initial period of 6 months and has continued on a 2 monthly basis since. Monthly rent was agreed at £525 per month.
6. On 2 February 2024 the applicant served upon the respondents a Notice to Quit. In the terms of the said Notice to Quit, the applicant gave notice to the respondents that they would require to remove from the property on or before 6 April 2024. Further, on 2 February 2024 the applicant served upon the respondents Notice under Section 33(1)(d) of the Housing (Scotland) Act 1988 stating that possession was required of the property as at 6 April 2024. There is evidence that the Notices were sent by recorded delivery on 2 February 2024 and were successfully delivered to the respondents on 3 February 2024. Sufficient notice was given.
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 also requires to consider the reasonableness of the eviction order being granted.
9. Throughout the tenancy there have been substantial rent arrears. A Payment Order was previously granted by the tribunal on 14 October 2024 for £7,302. On 16 December 2024 £7,800 was paid to the applicant, funded by a family member of the respondents. Despite undertaking to recommence paying rent no further payments have been made. Rent arrears currently stand at £4,422. The respondents have not engaged with the applicant regarding the rent arrears and have cancelled arrangements for property inspections to be undertaken. The applicant has complied with the rent arrears pre-action requirements. It is not reasonable for the applicant to continue to make the property available where no rent is being paid.
10. The respondents have not opposed to the eviction application. They wish to leave and have already approached the Council and made a housing application. They have been advised that further assistance cannot be provided until an eviction order is granted. The second respondent has some health issues. Their 21 year old daughter lives with them.

11. A Section 11 notice under the Homelessness etc (Scotland) Act 2003 has been issued to Falkirk 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

**29 April 2025**

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**Legal Member/Chair**

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**Date**