



**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/24/4816

**Re: Property at 64 Niddrie Marischal Crescent, Edinburgh, EH16 4LA (“the
Property”)**

Parties:

**Mr Kevin Dempsey, 108/3 Atholl View, Prestonpans, EH32 9FL (“the
Applicant”)**

**Ms Lisa Wilson, 64 Niddrie Marischal Crescent, Edinburgh, EH16 4LA (“the
Respondent”)**

Tribunal Members:

Andrew Upton (Legal Member) and Helen Barclay (Ordinary Member)

Decision

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

Statement of Reasons

1. This Application called for its Case Management Discussion on 28 April 2025. The Applicant was represented by Miss Callaghan of TC Young, solicitors. The Respondent was personally present.
2. In this Application, the Applicant seeks an eviction order under section 33 of the Housing (Scotland) Act 1988. He contends that the contractual Short Assured Tenancy between the parties has come to an end, that tacit relocation is not operating, and that the required notices under section 33 have been served. He claims that it is reasonable to grant the eviction order. He says that the outgoings associated with the Property are now in excess of the rent being recovered. He also wishes to purchase a property for himself to

live in, but his property portfolio is preventing him from obtaining mortgage lending to do so. For those reasons, he wishes to sell the Property.

3. The Respondent did not dispute the terms of the Application. She accepted that the notices served were valid, and that it was reasonable for the Application to be granted. Her position was that she requires assistance from the local authority to find housing, but that she will not be prioritised unless and until an eviction order is made against her. She required the Application to proceed as a procedural step to securing new accommodation.
4. In the circumstances, the Tribunal was satisfied that the requirements of section 33 of the 1988 Act were met. The Tribunal unanimously granted 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.

A Upton

28 April 2025

Legal Member/Chair

Date