

**Housing and Property Chamber**  
First-tier Tribunal for Scotland

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**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/24/4045**

**Re: Property at 1 Torr Road, Bishopbriggs, Glasgow, G64 1XH (“the Property”)**

**Parties:**

**Ms Eleanor Keane, 13 Wardlaw Road, Bearsden, G61 1AL (“the Applicant”)**

**Miss Lynsey Smith, 1 Torr Road, Bishopbriggs, Glasgow, G64 1XH (“the Respondent”)**

**Tribunal Members:**

**Andrew McLaughlin (Legal Member) and Gerard Darroch (Ordinary Member)**

**Decision**

**[1] The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted the Application and made an Eviction Order.**

**Background**

[2] The Applicant seeks an Eviction Order under Section 33 of the Act. The relevant notice under Section 33 and a Notice to Quit have been served on the Respondent. The Application was accompanied by a copy of the relevant tenancy agreement; the relevant notice under Section 11 of the *Homelessness (etc) (Scotland) Act 2003*; the notice served under Section 33 of the Act; the relevant notice to quit and proof of service of both notices.

## **The Case Management Discussion**

[3] The Application called for a Case Management Discussion (“CMD”) by conference call at 10 am on 7 April 2025. The Applicant was represented by Ms Hamilton, solicitor. The Respondent was personally present with her representative, Mr Heath of East Dunbartonshire Citizens Advice Bureau.

[4] Mr Heath explained that the Respondent consented to the eviction order being granted and had received legal advice about the matter and was already in touch with the local authority about alternate accommodation. The Tribunal discussed all aspects of the Application with both parties. The Applicant wished to move into the Property herself as she had recently separated from her husband.

[5] Having heard from parties, the Tribunal made the following findings in fact:

### **Findings in Fact**

- I. *The parties entered into a tenancy agreement whereby the Applicant let the Property to the Respondent on a Short-Assured Tenancy Agreement within the meaning of the Act;*
- II. *The Applicant competently served a notice under Section 33 of the Act and a notice to quit which competently ended the contractual tenancy agreement between the parties;*
- III. *The Applicant has complied with Section 11 of the Homelessness (etc) (Scotland) Act 2003;*
- IV. *The Respondent is fully aware of her legal rights and is being supported to find alternate accommodation.*
- V. *The Applicant wishes to move into the Property herself following on from a recent separation.*

### **Reasons for Decision**

[6] Having made the above findings in fact, the Tribunal considered that the tenancy had been ended under Section 33 of the Act. It was also reasonable to grant the Eviction Order. The Tribunal therefore granted the Application.

## **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**

**07 April 2025**

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**Legal Member/Chair**

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**Date**