

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)**

Chamber Ref: FTS/HPC/EV/24/4571

Re: Property at 40 St Margarets Road, Adrossan, KA22 7EP (“the Property”)

Parties:

Mr George Rout, 10 West Doura Avenue, Saltcoats (“the Applicant”)

Ms Kerry McEuan, 40 St Margarets Road, Adrossan, KA22 7EP (“the Respondent”)

Tribunal Members:

Virgil Crawford (Legal Member) and Melanie Booth (Ordinary Member)

Decision

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

BACKGROUND

1. By lease dated 15th November 2013 the Applicant let the Property to the Respondent. The initial period of let was from 15th November 2013 until 15th May 2014.
2. Prior to the lease being signed a notice in terms of s32 of the Housing (Scotland) Act 1998 (“the 1988 Act”) was served upon and signed by the Respondent. The lease is, accordingly, a short assured tenancy.
3. A notice to quit dated 22nd January 2024 was served upon the Respondent. The notice to quit required vacant possession of the Property as at 15th May 2024.
4. A notice in terms of s33 of the 1988 act was served upon the Respondent. This notice required vacant possession no later than 15th May 2025.
5. An application was presented to the tribunal on 2nd October 2024 seeking an order for eviction.

6. A notice in terms of s11 of the Homeless etc. (Scotland) act 2003 was intimated to the local authority.

THE CASE MANAGEMENT DISCUSSION

7. A Case Management Discussion was assigned for 2pm on 6th June 2025 to be conducted by teleconference. The Applicant was represented by Mr Craig Scott of Rentolease, Troon. The Respondent was represented by Mr Alister Meek of CHAP, Ardrossan.
8. Mr Scott advised the Tribunal he was, on behalf of the Applicant, seeking an order for eviction. The Applicant wishes to sell the Property. Having regard to his advancing years and health situation he wishes to dispose of the Property and no longer be in the rental market.
9. Mr Meek advised there was no opposition. The Respondent has already engaged with the local authority. The Respondent has been allocated suitable alternative social housing and it is expected she will be able to take up occupancy of that property in the coming weeks.
10. For the sake of completeness, Mr Meek advised the Tribunal that the Respondent is a single parent of two teenage daughters. There are no health concerns in relation to any member of the family. There are no known vulnerabilities. The offer of alternative accommodation by the local authority relates to accommodation which is deemed suitable for the Respondent and her family.
11. In the circumstances, having regard to the agreement of the parties, the Tribunal considered it reasonable to grant an order for eviction.

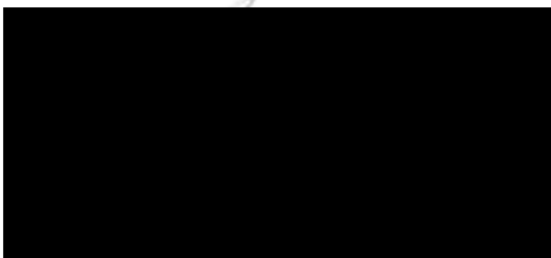
DECISION

The Tribunal granted an order against the Respondent for possession of the Property under section 33 of the Housing (Scotland) Act 1988.

Order not to be executed prior to 12 noon on 14th 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.



6th June 2025

Date