



**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/24/1471**

**Re: Property at 86 Ashgill Road, Milton, G22 6QN (“the Property”)**

**Parties:**

**Mr Thomas Graham, Flat 2/1 Kirkton, Old Kilpatrick, G60 5LB (“the Applicant”)**

**Miss Linda Mckinnon, 86 Ashgill Road, Glasgow, G22 6QN (“the Respondent”)**

**Tribunal Members:**

**Lesley Ward (Legal Member) and Elaine Munroe (Ordinary Member)**

**Decision (in absence of the Respondent)**

**1. The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for the Respondent’s eviction from the property should be made on the ground of the expiry of the short assured tenancy. The tribunal was satisfied that it is reasonable in all of the circumstances that the eviction order be granted.**

**Background**

2. This was a case management discussion (‘CMD’) in connection with an eviction application in terms of rule 66 of the Tribunal rules of procedure and section 33 of the Housing (Scotland) Act 1988, (‘the Act’). The Applicant’s representative Ms Carol Nixon attended. The Respondent did not attend and was not represented. There was a procedural history with this application. The application was dismissed at the first CMD on 28 January 2025 as neither party attended. On that date the Tribunal had sight of the execution of personal service on the Respondent by Sheriff Officers on 29 November 2024 and was satisfied that the Respondent had received notice of the

CMD in terms of rule 24. The Applicant's representative sought a recall in terms of rule 30 as the email notification of the CMD had gone to her junk mail and the CMD date was missed. The Tribunal granted the recall on 10 March 2025 and a new CMD was fixed. The notification of the CMD was sent to the Respondent by recorded delivery on 5 June 2025. The Tribunal was satisfied that the Respondent had received notification in terms of rule 24 and proceeded with the CMD in her absence terms of rule 29.

3. The Tribunal had before it the following copy documents:

- (1) Short assured tenancy agreement and AT5.
- (2) Notice to quit.
- (3) Section 33 notice.
- (4) Proof of service of the notice to quit and section 33 notice.
- (5) Land certificate.
- (6) Landlord registration.
- (7) Section 11 notice and proof of service.

## **Case management discussion**

### **The Applicant's position**

4. The Applicant is seeking an eviction order today. Ms Nixon advised that there are around £2000 of rent arrears for the property. The Respondent is in receipt of Universal Credit which pays the rent of £450 per month and £38 towards the arrears. The Respondent resides in the property with her boyfriend. There are no children residing the property. The Applicant has received various complaints from neighbours and the factors in connection with noise coming from the property and rubbish being thrown in the garden. The Applicant wishes to sell the property. He is in the process of selling his portfolio and this is his last property to be sold.

## **5. Findings in fact**

- The Applicant is the owner and registered landlord of the property.
- The parties entered into a short assured tenancy agreement for the let of the property on 19 August 2014 for the initial period of 6 months from 19 August 2014 until 19 February 2015.
- The Respondent was served with a valid notice to quit and section 33 notice on 1 December 2024.
- The tenancy has reached its ish and tacit relocation is not occurring.
- The Respondent has around £2000 of rent arrears.
- The arrears of rent are not due to a delay or failure of payment of a relevant benefit.
- The Respondent is in receipt of Universal Credit which pays the rent of £450 and £38 towards the arrears.
- The Applicant wishes to sell the property.

- The Applicant has received complaints from neighbours regarding the Respondent's conduct.

## **Reasons**

6. This was an undefended eviction application. The short assured tenancy has reached its end and tacit relocation is not operating. The Applicant intends to sell the property and there are substantial rent arrears. The Tribunal was satisfied that the rent arrears were not due a delay in payment of a relevant benefit. The Tribunal was satisfied that it had sufficient information before it to make a decision and the procedure had been fair. The Tribunal was satisfied that it was reasonable in all of the circumstances 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.**

**LA Ward**

**25 July 2025**

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**Legal Member**

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**Date**