



**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/25/0394

Re: Property at 70 Gillburn Road, Dundee, DD3 0EH (“the Property”)

Parties:

Laura Lapadula, Mr Jon Gourlay, 22 Kinghorne Terrace, Dundee, DD3 6HX (“the Applicant”)

Ms Cheyanne Taylor, 70 Gillburn Road, Dundee, DD3 0EH (“the Respondent”)

Tribunal Members:

Alison Kelly (Legal Member) and Jane Heppenstall (Ordinary Member)

Decision (in absence of the Respondent)

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

1. On 29th January 2025 the Applicants lodged an Application with the Tribunal under Rule 66 of the First Tier Tribunal for Scotland (Housing and Property Chamber Rules of Procedure) 2017 (“The Rules”), seeking an order to evict the Respondents from the property.
2. Lodged with the application were: -
 - a. Short Assured Tenancy Agreement initially running from 27th October 2017 to 27th April 2018 and monthly thereafter, and with monthly rent of £820;
 - b. AT5 Notice dated 27th October 2017;
 - c. Notice to Quit dated 11th November 2024 for 27th January 2025;
 - d. Section 33 Notice dated 11th November 2024 for 27th January 2025;
 - e. Proof of service of c and d;
 - f. Section 11 Notice and proof of service.

3. The Application was served on the Respondent by Sheriff Officers on 16th October 2025.

Case Management Discussion

4. The Case Management Discussion ("CMD") took place by teleconference. The Applicant was represented by Mrs Wheelan of Rent Locally. There was no attendance by the Respondent nor any representative on her behalf.
5. The Chairperson explained the purposes of a CMD in terms of Rule 17 of the Rules. The Chairperson explained that the Applicant needed to provide sufficient evidence to establish the ground of eviction, and also that it was reasonable for the Tribunal to grant the order.
6. Mrs Wheelan sought an order for eviction in terms of sections 19 and 33 of the Housing (Scotland) Act 1988. She said that the Applicants were looking to sell the property. They had purchased nine properties in 2016, to provide an income stream in retirement. They had now decided to sell the portfolio. They have sold three and another two are in the process of being sold. They will gradually sell the others.
7. Mrs Wheelan said that the Respondent has been a tenant since 2017. She is a single adult and lives in the property with seven children, two of them may now be over the age of sixteen. The others are younger. Mrs Wheelan has been in contact with the respondent and knows that the Respondent has contacted the local authority. She has been told that the eviction order will need to be granted before the local authority can assist.

Findings in Fact

- i. The parties entered into a Short Assured Tenancy Agreement in respect of the property;
- ii. The tenancy commenced on 27th October 2017 with the initial term being from 27th October 2017 to 27th April 2018, and monthly thereafter;
- iii. Notice To Quit and Section 33 Notice were served timeously and correctly;
- iv. The Short Assured Tenancy has reached its end;
- v. Tacit relocation is not operating;
- vi. The Application was served on the Respondent by Sheriff Officer on 16th October 2025;
- vii. The Applicants wish to sell their portfolio of properties;
- viii. The Respondent lives in the property with her seven children.

Reasons For Decision

8. Section 33 of the Housing (Scotland) Act 1988 is as follows:

(1) Without prejudice to any right of the landlord under a short assured tenancy to recover possession of the house let on the tenancy in accordance with sections 12 to 31 of this Act, the First-tier Tribunal may make an order for possession of the house if the Tribunal is satisfied—

(a) that the short assured tenancy has reached its finish;

(b) that tacit relocation is not operating;

(c)

(d) that the landlord (or, where there are joint landlords, any of them) has given to the tenant notice stating that he requires possession of the house and

(e) that it is reasonable to make an order for possession.

(2) The period of notice to be given under subsection (1)(d) above shall be—

(i) if the terms of the tenancy provide, in relation to such notice, for a period of more than two months, that period;

(ii) in any other case, two months.

(3) A notice under paragraph (d) of subsection (1) above may be served before, at or after the termination of the tenancy to which it relates.

(4) Where the First-tier Tribunal makes an order for possession of a house by virtue of subsection (1) above, any statutory assured tenancy which has arisen as at that finish shall end (without further notice) on the day on which the order takes effect.

(5) For the avoidance of doubt, sections 18 and 19 do not apply for the purpose of a landlord seeking to recover possession of the house under this section.

9. The Tribunal is satisfied that the Short-Assured Tenancy has been brought to an end by service of the Notice to Quit and that tacit relocation is not operating. The Tribunal is also satisfied, as there is no opposition from the Respondent, and the Applicants being entitled to bring the tenancy to an end in terms of the 1988 Act, that it is reasonable to grant the order.

9. The Tribunal has also decided that in light of the time of year, and that professional services and local authorities tend to shut down over the Christmas period that it would be reasonable to delay extract of the order until 30th January 2026. This recognises that it will be difficult for the local authority

to provide suitable accommodation for the Respondent and her family at short notice at this time of year.

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.

Alison Kelly

28th November 2025

Legal Member/Chair

Date