

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) under Section 33 of the Housing (Scotland) Act 1988

Chamber Ref: FTS/HPC/EV/25/4117

Re: Property at 164 Lindores Drive, East Kilbride, Glasgow, G74 1HQ (“the Property”)

Parties:

Mr Bernard Curran, 14 Glendune Road, Clarkston, Glasgow, G76 7TT (“the Applicant”) and

Mr Paul McGuinness, 164 Lindores Drive, East Kilbride, Glasgow, G64 1HQ (“the Respondent”)

Tribunal Members:

**G McWilliams- Legal Member
H Barclay - Ordinary Member**

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determines as follows in the absence of the Respondent:

Background

1. This is an Application brought in terms of Rule 66 (Application for order for possession upon termination of a short-assured tenancy) of The First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure (“the 2017 Rules”).
2. The Applicant, Mr Curran had provided the Tribunal, in the Application, with copies of the parties’ short assured tenancy agreement, Form AT5, Notice to Quit and Sections 33 and 11 Notices with relevant Executions of Service.
3. The Respondent, Mr McGuinness, had been validly served by Sheriff Officers with the Application papers, Guidance Notes and Notification of today’s Case Management Discussion (“CMD”) on 17th April 2026 and the Certificate of Service was produced.

Case Management Discussion on 19th May 2026

4. A CMD proceeded remotely by telephone conference call at 10.00am on 19th May 2026. Mr Curran attended. Mr McGuinness did not attend and was not represented.
5. Mr Curran referred to the Application papers. He stated that Mr McGuinness resides alone in the Property. He said that Mr McGuinness' monthly rent is almost fully paid through his award of Universal Credit. Mr Curran stated that he did not increase the rent for some 8 or 9 years after Mr McGuinness' tenancy started and has not sought payment of the monthly shortfall in rent. Mr Curran said that he wishes to recover possession of the Property as there have been difficulties with Mr McGuinness' tenancy for some time. He said that third party agencies had been involved as a result of incidents at the property. Mr Curran stated that, in the circumstances, he considers that it will be better for himself and Mr McGuinness if Mr McGuinness moves to alternative accommodation.

Statement of Reasons

6. In terms of Section 33 of the 1988 Act, the Tribunal shall make an order for possession of a house let on a tenancy if:
 - (a) the short assured tenancy has reached its end;
 - (b) tacit relocation is not operating;
 - (c) no further contractual tenancy (whether a short assured tenancy or not) is for the time being in existence; and
 - (d) the landlord has given to the tenant notice stating that he requires possession of the house.
7. The Tribunal considered all of the Application papers, including the parties' Short Assured Tenancy agreement ("SAT") and the Form AT5 and Notice to Quit, which had been served on Mr McGuinness, as well as the submission of Mr Curran.
8. Mr McGuinness has not lodged any written representations with the Tribunal regarding the Application and, in particular, the reasonableness of the grant of an eviction order. He has not attended today's CMD to provide any evidence, and/or make any submission, to oppose and contradict the basis for the order sought by Mr Curran.
9. Having considered the available documentary evidence and the submissions of Mr Curran the Tribunal finds in fact that the parties' tenancy agreement has been terminated and Mr Curran has given appropriate notice to the tenant, Mr McGuinness, that he seeks to recover possession of the Property. The Tribunal finds in law that the criteria in Section 33 of the 1988 Act have been satisfied and determines that it is reasonable that an eviction order be granted, in particular as Mr McGuinness has not made any representations to the contrary.
10. Accordingly, the Tribunal grants an eviction order.

Decision

11. In the circumstances, the Tribunal makes an order for possession of the Property as sought in this 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.

Gerald McWilliams

G McWilliams

Tribunal Legal Member

19th May 2026

Date