



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 (“The Act”)

Chamber Ref: FTS/HPC/EV/22/1922

Re: Property at 3 Elm Quadrant, Airdrie, ML6 8AS (“the Property”)

Parties:

Mrs Lucy O'Reilly, 25 Hollywood Grove, Newry, County Down, BT34 1BN (“the Applicant”)

Mrs Mary Veldon, 3 Elm Quadrant, Airdrie, ML6 8AS (“the Respondent”)

Tribunal Members:

Andrew McLaughlin (Legal Member) and Ahsan Khan (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) decided to grant the Application and made an Eviction Order subject to the enforcement of this order being delayed by one extra month as per Rule 16 A (D) of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Amendment Regulations 2018.

Background

The Applicant seeks an Eviction Order on the basis of s 33 of the Act. The Application is accompanied by a s 33 notice, notice to quit, proof of service of these notices on the Respondent, a copy of the tenancy agreement and the notice served on the local authority under s11 of the Homelessness (etc) (Scotland) Act 2003.

The Respondent had submitted representations in response to the Application making reference to her children having special needs and suffering from mental illness. These

representations formally requested that the Tribunal “grant an extension” to allow time for the Respondent to obtain alternate accommodation from the “housing list”.

Case Management Discussion

The Application called for a Case Management Discussion (CMD) by conference call at 2 pm on 12 September 2022. The Applicant was represented by Mr Gordon, solicitor of Thorntons Law LLP. There was no appearance by or on behalf of the Respondent. The Application and information about how to join the conference call had been competently served on the Respondent. The Tribunal therefore decided to proceed in the absence of the Respondent.

Having heard from Mr Gordon and having considered all aspects of the Application, the Tribunal made the following findings in fact.

Findings in Fact

- I. *The parties entered into a short assured tenancy agreement whereby the Applicant let the Property to the Respondent;*
- II. *The Tenancy agreement commenced on 12 June 2015;*
- III. *The Applicant competently served a notice under s 33 of the Act and a notice to quit on the Respondent bringing the tenancy to an end and calling upon the Respondent to vacate the Property by 12 June 2022;*
- IV. *The Applicant also complied with their duties under s 11 of the Homelessness (etc) (Scotland) Act 2003;*
- V. *The Respondent lives in the Property with two children, one of whom has special needs and one of whom has mental health issues;*
- VI. *The Respondent has not been compliant with allowing the Applicant access to the Property for the purposes of gas safety checks;*
- VII. *The Applicant wishes to sell the Property for purposes of realising a capital gain;*
- VIII. *It is reasonable that the order sought is granted but it is also reasonable that some further time is allowed for the Respondent to source alternate accommodation;*

Reasons for Decision

Having made the above findings in fact, the Tribunal decided to grant the Application and made an Eviction Order but decided to extend the date by which this order may be enforced by a period of one extra month.

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.

A. McLaughlin

Legal Member/Chair

12th September 2022
Date