



**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/23/1371**

**Re: Property at 29 Maree Place, Irvine, KA12 9PQ (“the Property”)**

**Parties:**

**Mr John Speirs, The Old Schoolhouse, Auchentiber, Kilwinning, KA13 7RR (“the Applicant”)**

**Miss Leeann Murray, 29 Maree Place, Irvine, KA12 9PQ (“the Respondent”)**

**Tribunal Members:**

**Richard Mill (Legal Member) and Elaine Munroe (Ordinary Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for eviction be granted against the respondent**

Introduction

1. This application is under rule 66 and section 33 of the Housing (Scotland) Act 1988. The application seeks an eviction order.
2. Intimation of the application and of the Case Management Discussion (‘CMD’) was effected upon the respondent by Sheriff officers on 15 August 2023.
3. The applicant attended the hearing personally and represented his own interests.
4. The respondent did not join the hearing and was not represented. Her representative, Mr Meek from CHAP, intimated to the tribunal on 7 September 2023 that neither of them would participate and that the application was unopposed.

## Findings and Reasons

5. The property is 29 Maree Place, Irvine KA12 9PQ. The applicant is Mr John Speirs. He co-owns the property with his wife, Mairi Speirs and they are the joint heritable proprietors. The respondent is Ms Leeann Murray who is the tenant.
6. The parties entered into a short assured tenancy which first commenced on 8 April 2016. An AT5 notice under section 32 of the 1988 Act was served on the respondent prior to the creation of the tenancy.
7. On 9 November 2022 the applicant served, by Sheriff Officers, a notice to quit upon the respondent. In the terms of the said notice, the applicant gave notice to the respondent that she required to remove from the property on or before 8 April 2023. Further, on 9 November 2022 the applicant served by Sheriff Officers a notice under Section 33(1)(d) of the Housing (Scotland) 1988 stating that possession was required of the property as at 8 April 2023.
8. The short assured tenancy between the parties has reached its end. Tacit relocation is not operating. No further contractual tenancy is in existence. The applicant has complied with the terms of Section 33(1)(d) of the Housing (Scotland) Act 1988.
9. The tribunal requires to consider the reasonableness of the eviction order being granted.
10. The applicant seeks to evict the respondent on the ground that he and his wife intend to live in the let property to avoid homelessness. They intend to live in the let property.
11. The respondent is not opposed to the eviction application. This is confirmed unequivocally on her behalf by her representative. She has no dependents. She has no known disabilities or other vulnerabilities.
12. A section 11 notice under the Homelessness etc (Scotland) Act 2003 has been issued to Glasgow City Council. In the event of an eviction order being made the local authority is under a statutory duty to make suitable alternative accommodation available. The respondent's representative has advised that she will be fully supported in securing alternative housing to meet her needs.
13. The tribunal concluded that it was reasonable 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.**



**15 September 2023**

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**Legal Member/Chair**

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**Date**