



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/25/3679

Re: Property at 28 Blake Street, Dunfermline, Fife, KY11 4PW (“the Property”)

Parties:

Mr James Martin and Mrs Johanna Martin (McBurnie), both Route de Saint-Cergue 13, 1260, Nyon, Switzerland, Switzerland; 352 Chemin Valmont, 1260, Nyon, Switzerland (“the Applicants”)

Mr Fraser Laird, 28 Blake Street, Dunfermline, Fife, KY11 4PW (“the Respondent”)

Tribunal Members:

George Clark (Legal Member) and Angus Lamont (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application should be decided without a Hearing and made an Order for Possession of the Property.

Background

1. By application, dated 27 August 2025, the Applicants sought an Order for Possession of the Property under Section 33 of the Housing (Scotland) Act 1988 (“the 1988 Act”), namely recovery of possession on termination of a Short Assured Tenancy.
2. The application was accompanied by a copy of a Short Assured Tenancy Agreement between the Parties, running from 25 October 2013 until 25 April 2014, and, if not terminated on that date, continuing on a monthly basis thereafter, a Form AT5 Notice dated 2 October 2013, and copies of a Notice under Section 33 of the 1988 Act and a Notice to Quit, both dated 12 June 2025 and both requiring the Respondent to vacate the Property by 25 August 2025.

3. The Applicants also provided the Tribunal with copies of pre-action protocol letters and emails dated 27 November 2025 and 7 January 2026 and a Rent Statement showing arrears as at 4 February 2026 of £2,970. with no rent having been paid since 25 July 2025.
4. On 16 February 2026, the Tribunal advised the Parties of the date and time of a Case Management Discussion, and the Respondent was invited to make written representations by 9 March 2026. The Respondent did not make any written representations to the Tribunal.

Case Management Discussion

5. A Case Management Discussion was held by means of a telephone conference call on the afternoon of 2 April 2026. The Applicant, Mr Martin, was present. The Respondent was not present or represented.
6. The Applicant told the Tribunal that the application for an Order for Possession had made under Section 33 of the 1988 Act because the Applicants wish to sell the Property and exit the private rental market. They do not own any other rental properties. The Respondent had, however, stopped paying rent after he received the Notice to Quit, and the rent arrears were now a factor to be considered by the Tribunal in deciding whether it would be reasonable to make an Order. In addition, the Applicants had to apply to the Tribunal in 2025 to exercise a right of entry in order to carry out necessary safety inspections. Mr Martin understood that the Respondent lives in the Property on his own and was not aware of the Respondent having any disabilities, health issues or vulnerabilities.

Reasons for Decision

7. Rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 provides that the Tribunal may do anything at a Case Management Discussion which it may do at a Hearing, including making a Decision. The Tribunal was satisfied that it had before it all the information and documentation it required to enable it to decide the application without a Hearing.
8. Section 33 of the 1988 Act states that the Tribunal may make an Order for Possession of a house let on a Short Assured Tenancy if it is satisfied that the Short Assured Tenancy has reached its end, that tacit relocation is not operating, that no further contractual tenancy is for the time being in existence, that the landlord has given to the tenant notice stating that he requires possession of the house, and that it is reasonable to make the Order for Possession.
9. The Tribunal was satisfied that the tenancy had reached its end, that, by service of the Notice to Quit, tacit relocation was no longer operating, that there was no further contractual tenancy in existence between the Parties and that the Notice required under Section 33 of the 1988 Act had been

properly given. The remaining matter for the Tribunal to consider was, therefore, whether it would be reasonable to issue an Order for Possession.

10. In arriving at its decision as to whether it would be reasonable to make an Order for Possession, the Tribunal noted that the Applicants are looking to exit the rental market and sell the Property, that the Respondent has paid no rent since 25 July 2025 and has not provided the Tribunal with any information he would like the Tribunal to take into account in arriving at its Decision. He had not provided any written representations and had chosen not to attend or be represented at the Case Management Discussion.

11. Having considered all the evidence before it, the Tribunal decided that it would be reasonable to make an Order for Possession.

12. The Tribunal's decision was unanimous.

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.

George Clark

Legal Member/Chair

2 April 2026
Date