

Housing and Property Chamber
First-tier Tribunal for Scotland



**DECISION AND STATEMENT OF REASONS OF ALISON KELLY, LEGAL
MEMBER OF THE FIRST-TIER TRIBUNAL WITH DELEGATED POWERS OF
THE CHAMBER PRESIDENT**

**Under Rule 8 of the First-tier Tribunal for Scotland Housing and Property
Chamber Rules of Procedure 2017 ("the Rules")**

in connection with

49 Hilton Crecent, Inverness, IV2 3DJ ("the Property")

Case Reference: FTS/HPC/EV/26/0560

Emma Williamson ("the Applicant")

1. The application was made under Rule 66 of the Procedural Rules, seeking eviction in terms of section 33 of the Housing (Scotland) Act 1988, being recovery of possession on termination of a short assured tenancy. The application was accompanied by supporting documentation.
2. The Applicant provided the tenancy agreement, which showed an initial term running from 25th September 2017 to 24th February 2018.
3. The Applicant provided a Notice to Quit and a Section 33 Notice both dated 25th November 2025 and both giving an ish date of 27th January 2026.

DECISION

4. The circumstances in which an application is to be rejected are governed by Rule 8 of the Chamber Procedural Rules. That Rule provides:-

"Rejection of application

8. —(1) *The Chamber President or another member of the First-tier Tribunal under the*

delegated powers of the Chamber President, must reject an application if –

- (a) they consider that the application is frivolous or vexatious;*
- (b) the dispute to which the application relates has been resolved;*
- (c) they have good reason to believe that it would not be appropriate to accept the application;*
- (d) they consider that the application is being made for a purpose other than a purpose specified in the application; or*
- (e) the applicant has previously made an identical or substantially similar application and in the opinion of the Chamber President or another member of the First-tier Tribunal, under the delegated powers of the Chamber President, there has been no significant change in any material considerations since the identical or substantially similar application was determined.*

(2) Where the Chamber President, or another member of the First-tier Tribunal, under the delegated powers of the Chamber President, makes a decision under paragraph (1) to reject an application the First-tier Tribunal must notify the applicant and the notification must state the reason for the decision."

- 5. After consideration of the application, the further information referred to and correspondence from the Applicant, the Legal Member considers that the application should be rejected on the basis that it would not be appropriate to accept the application within the meaning of Rule 8(1)(c) of the Procedural Rules.**

REASONS FOR DECISION

- 6. Section 33 of the 1988 Act lays down the procedure for ending a Short Assured Tenancy.
- 7. Section 32 of the 1988 Act defines a Short Assured Tenancy as follows:

(1)A short assured tenancy is an assured tenancy—

(a)which is for a term of not less than six months; and

(b)in respect of which a notice is served as mentioned in subsection (2) below.

8. The tenancy agreement states an initial term of five months, and therefore it cannot be a Short Assured Tenancy in terms of Section 32, and cannot be brought to an end in terms of section 33, and the application therefore falls to be rejected.

What you should do now

If you accept the Legal Member's decision, there is no need to reply.

If you disagree with this decision –

An applicant aggrieved by the decision of the Chamber President, or any Legal Member acting under delegated powers, 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. Information about the appeal procedure can be forwarded to you on request.

Alison Kelly
Legal Member
15th June 2026