

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/26/0022

Property: 32 Alltan Court, Culloden, Inverness IV2 7FX ("Property")

Parties:

Andrew Sutherland, 33 Ardconnel Terrace, Inverness IV2 3AE ("Applicant")

Meralee Walker, 32 Alltan Court, Culloden, Inverness IV2 7FX ("Respondent")

Tribunal Members:

Joan Devine (Legal Member)

Ahsan Khan (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("Tribunal") determined to grant an order for possession of the Property but to delay enforcement until 18 August 2026.

Background

The Applicant sought recovery of possession of the Property. The Applicant had lodged Form E. The documents produced were: Short Assured Tenancy Agreement which commenced on 29 April 2013 and AT5; Notice to Quit and Notice in terms of section 33 of the Housing (Scotland) Act 1988 ("1988 Act") both dated 1 October 2025 and both addressed to the Respondent; Royal Mail proof of delivery on 3 October 2025; notification to the Local Authority in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003 with covering email and sheriff officer execution of service confirming service of the application on the Respondent on 18 May 2026.

Case Management Discussion ("CMD")

A CMD took place before the Tribunal by conference call on 18 June 2026. The Applicant was in attendance. The Respondent was in attendance and was supported by Alison Marley of the Citizens Advice Bureau.

The Respondent told the Tribunal that her circumstances have changed. She said that she had been in employment but that was no longer the case and she is now in receipt

of benefits. She said that in due course she hopes to return to employment but her health is such that she will be unable to work the hours previously undertaken. She said that she lives in the Property with her 18 year old daughter who attends university. She said that she does not oppose the grant of an eviction order as she has a plan in place to be housed in social housing.

Ms Marley told the Tribunal that she has been working closely with the Respondent who has been allocated an experienced housing officer at the local authority. She said that the Respondent is on a priority list as her daughter is in education. She said that the Respondent's position would be re-assessed after the CMD.

The Applicant told the Tribunal that the Respondent had been a very good tenant but she could no longer afford the rent. He said the arrears are presently £2,482. He said that he understood the Respondent's position. He said it was likely he would re-let the Property if an order was granted.

The Tribunal asked Ms Marley if allowing additional time would assist the Respondent. Ms Marley said that she works closely with the local authority to prevent homelessness but the housing officers could never specify timescales. She said that allowing additional time should assist. The Applicant said that his concern about allowing additional time was that the arrears may increase. Ms Marley said that she would use her best endeavours to liaise with the Council regarding a payment being made to prevent the arrears increasing.

Findings in Fact

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent entered into a short assured tenancy agreement which commenced on 29 April 2013.
2. The tenancy was for the period 29 April 2013 to 28 October 2013 and continued bi-monthly thereafter.
3. A Notice to Quit dated 1 October 2025 was served on the Respondent on 3 October 2025 stating that the tenancy would terminate on 28 December 2025.
4. A Notice in terms of Section 33 of the 1988 Act dated 1 October 2025 was served on the Respondent on 3 October 2025 stating that possession of the property was required on 28 December 2025.
5. The tenancy reached its *ish* on 28 December 2025 and is not continuing by tacit relocation.

6. Notification was provided to the Local Authority in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003.

Findings in Fact and Law

1. It is reasonable to grant an order for possession of the Property.

Reasons for the Decision

The Tribunal determined to make an Order for possession of the Property in terms of Section 33 of the 1988 Act. The Tribunal noted that the tenancy had been properly created as a short assured tenancy and that a Section 33 Notice and Notice to Quit had been served on the Respondent giving two months' notice that the Applicant required possession of the Property.

Having considered all of the circumstances, and in light of the lack of opposition from the Respondent, the Tribunal determined that it was reasonable to issue an eviction order but to delay enforcement until 18 August 2026.

Decision

The Tribunal grants an Order for possession of the Property but to delay enforcement until 18 August 2026.

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.

Joan Devine

Legal Member

Date : 18 June 2026