

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/26/0377

Property: 16 Polvanie View, Inverness IV3 8SU ("Property")

Parties:

HHA2 LLP, Fairways, Castle Heather, Inverness IV2 6AA ("Applicant")

**TC Young, Solicitors, 7 West George Street, Glasgow G2 1BA ("Applicant's
Representative")**

James McMillan, 16 Polvanie View, Inverness IV3 8SU ("Respondent")

Tribunal Members:

Joan Devine (Legal Member)

Gerard Darroch (Ordinary Member)

Decision

**The First-tier Tribunal for Scotland (Housing and Property Chamber)
("Tribunal") determined to grant an order for possession of the Property.**

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 15 September 2015 and AT5; Notice to Quit and Notice in terms of section 33 of the Housing (Scotland) Act 1988 ("1988 Act") both dated 4 August 2025 and both addressed to the Respondent; Royal Mail proof of delivery on 5 August 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 2 July 2026.

Case Management Discussion ("CMD")

A CMD took place before the Tribunal by conference call on 5 August 2026. The Applicant was represented by Simone Callaghan of the Applicant's Representative. Kelly Campbel and Gail Matheson of the Applicant were in attendance. The Respondent was not in attendance.

Ms Callaghan told the Tribunal that there had been no contact with the Respondent since November 2025. She said that attempts to communicate since then had received no response. She said that in November 2025 the Respondent had indicated he was in employment and would look for alternative accommodation. She said that the Respondent is aged around 33 and lives in the Property alone. She said that the arrears are now £11,703.33. She said that the last payment towards rent had been £195 on 4 April 2025.

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 15 September 2015.
2. The tenancy was for the period 15 September 2015 to 15 March 2016 and month to month thereafter.
3. A Notice to Quit dated 4 August 2025 was served on the Respondent on 5 August 2025 stating that the tenancy would terminate on 15 November 2025.
4. A Notice in terms of Section 33 of the 1988 Act dated 4 August 2025 was served on the Respondent on 5 August 2025 stating that possession of the property was required on 15 November 2025.
5. The tenancy reached its *ish* on 15 November 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.

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 the absence of a submission from the Respondent, the Tribunal determined that it was reasonable to issue an eviction order.

Decision

The Tribunal grants an Order for possession of the Property.

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 : 5 August 2026