



**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/26/0394

Re: Property at 83 Parkhead Loan, Edinburgh, EH11 4SL (“the Property”)

Parties:

**Mr George Salatas, c/o Arden Property Management, 43 Morningside Road,
Edinburgh, EH10 4DR (“the Applicant”)**

**Mr Tobias Kamutzki, Mr Charlotte Kamutzki, 83 Parkhead Loan, Edinburgh,
EH11 4SL (“the Respondents”)**

Tribunal Members:

Alastair Houston (Legal Member) and Mary Lyden (Ordinary Member)

Decision

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that an order for recovery of possession be made in terms
of section 33 of the Housing (Scotland) Act 1988 (“the 1988 Act”)**

1. Background

1.1 This is an application under rule 66 of the Chamber rules whereby the Applicant sought an order for recovery of possession of a property let on a short assured tenancy agreement. The application was accompanied by copies of the written tenancy agreement, notice to quit and notice in terms of section 33 of the 1988 Act given to the Respondents and notice in terms of section 11 of the Homelessness etc (Scotland) Act 2003.

1.2 On 11 August 2026, the Respondents’ representative lodged written representations on their behalf. These representations advised that the Respondents did not oppose the application for an order for recovery of possession.

2. The Case Management Discussion

- 2.1 The Case Management Discussion took place on 21 August 2026 by teleconference. The Applicant was represented by Mr Symon of Campbell Smith solicitors. The Respondents were represented by Ms Bennett of CHAI, Edinburgh.
- 2.2 The Applicant's representative confirmed that the order for recovery of possession was sought. The Applicant resided in Greece. He had encountered financial difficulties and required to sell the Property. The appropriate steps had been taken to end the short assured tenancy between the parties.
- 2.3 The Respondent's representative confirmed the application was not opposed. It was accepted that the short assured tenancy agreement had been brought to an end. The Respondents had sought assistance from the local authority. They required the order to be granted before a homeless application could be made. They resided with a dependent child, aged 11 or 12. They were fully aware of the timescales involved in enforcement of an order for recovery of possession and were not seeking any delay to enforcement.
- 2.4 Given the circumstances, the Tribunal indicated that the order sought would be granted.

3. Reasons For Decision

- 3.1 The relevant provisions of section 33 of the 1988 Act are in the following terms:-

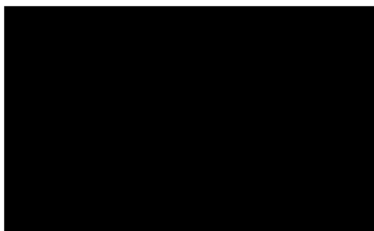
33Recovery of possession on termination of a short assured tenancy.
(1)Without prejudice to any right of the landlord under a short assured tenancy to recover possession of the house let on the tenancy in accordance with sections 12 to 31 of this Act, the First-tier Tribunal may make an order for possession of the house if the Tribunal is satisfied—
(a)that the short assured tenancy has reached its finish;
(b)that tacit relocation is not operating; ...
(c).
(d)that the landlord (or, where there are joint landlords, any of them) has given to the tenant notice stating that he requires possession of the house ,
and
(e)that it is reasonable to make an order for possession.
(2)The period of notice to be given under subsection (1)(d) above shall be—
(i)if the terms of the tenancy provide, in relation to such notice, for a period of more than two months, that period;
(ii)in any other case, two months.
(3)A notice under paragraph (d) of subsection (1) above may be served before, at or after the termination of the tenancy to which it relates.

In the present case, valid notice to quit and notice in terms of section 33 had been served and took effect as at 1 January 2026. The contractual tenancy had reached its end and tacit relocation was not operating.

3.2 There was no dispute between the parties to necessitate a hearing and the Tribunal considered it could determine the application. As the Respondents consented to the order sought, fully aware of the consequences having been advised by their representatives and were seeking rehousing through the local authority, in all of the circumstances the Tribunal was satisfied that it was reasonable to make an order for recovery of 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.



Legal Member/Chair

21 August 2026

Date