

Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 33 Housing (Scotland) Act 1988 (“the 1988 Act”)

Chamber Ref: FTS/HPC/EV/26/0687

Property at 15 Fisher Avenue, Paisley, PA1 2SZ (“the Property”)

Parties:

Dr Chandra Shekra Raolu, 168 Moorgate Road, Rotherham, S60 3BE (“the Applicant”)

Ms Lisa Vickors, 15 Fisher Avenue, Paisley, PA1 2SZ (“the Respondent”)

Tribunal Members:

Josephine Bonnar (Legal Member) and Ahsan Khan (Ordinary Member)

Decision – in absence of the Respondent

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for possession should be granted against the Respondent in favour of the Applicant.

Background

- 1.** The Applicant seeks an order for possession of the property in terms of Section 33 of the 1988 Act. A tenancy agreement, AT5 Notice, Notice to Quit, Section 33 Notice, and Section 11 Notice were lodged with the application.
- 2.** A copy of the application was served on the Respondent by Sheriff Officer. The parties were notified that a case management discussion (“CMD”) would take place by telephone conference call on 16 September 2026 at 2pm and that they were required to participate.
- 3.** The CMD took place on 16 September 2026. The Applicant was represented by Mr Downie. The Respondent did not participate and was not represented.

The Case Management Discussion

- 4.** Mr Downie told the Tribunal that the Respondent’s partner came to see him at the office. He said that the Respondent had suffered an injury and would not be

able to participate in the CMD. He asked for information about the tribunal process and timescales if an eviction order is granted. He indicated that the application is not opposed and that the Respondent has been told by the Local Authority that they will not be re-housed until an eviction order is granted. He seemed happy with the information provided and the timescales.

5. In response to questions for the Tribunal, Mr Downie said that the Applicant has been their client for almost 20 years. He purchased the property when he lived in Scotland and has rented it out since he moved away. The Respondent has been the tenant for the last ten years. She has been a good tenant, with no rent arrears or other issues. The rent has only been increased once, from £625 to £675 in 2024. Mr Downie explained that the Applicant is in financial difficulty and needs to sell the property to pay off debt. He contacted the agent about this two years ago and, as the Respondent had indicated that she might like to buy the property, he gave her some time. However, as she has not been able to do this, the notices were issued to recover the property. In response to questions about the Respondent, Mr Downie said that she lives at the property with her partner and two daughters. One is now an adult, and the other is about 16.

Findings in Fact

6. The Applicant is the owner and landlord of the property.
7. The Respondent is the tenant of the property in terms of a short assured tenancy agreement.
8. The Applicant served a Notice to Quit and Notice in terms of Section 33 of the 1988 Act on the Respondent on 17 November 2025.
9. The Applicant wants to recover possession of the property to sell it. He is in financial difficulty and requires the proceeds of sale to repay debt.
10. The Respondent's partner told the letting agent that the application is not opposed and that they have applied to the Local Authority for re-housing. They have been advised that they will not be re-housed until an eviction order is granted.
11. The Respondent currently occupies the property with her partner and two children.

Reasons for Decision

12. The application was submitted with a short assured tenancy agreement and AT5 Notice. The initial term of the tenancy was 5 June 2015 to 5 December 2015 with a provision that it would continue on a month to month basis after the initial term.

13. Section 32 of the 1988 Act states “(1) A short assured tenancy is an assured tenancy - (a) which is for a term of not less than 6 months; and (b) in respect of which a notice is served as mentioned in subsection (2) below. (2) The notice referred to in subsection (1)(b) above is on which – (a) is in such form as may be prescribed; (b) is served before the creation of the short assured tenancy; (c) is served by the person who is to be the landlord under the assured tenancy (or, where there are to be joint landlords under the tenancy, is served by a person who is to be one of them) on the person who is to be the tenant under the tenancy; and (d) states that the assured tenancy to which it relates is to be a short assured tenancy.”
14. The Tribunal is satisfied that the tenancy agreement between the parties was for an initial term of six months and therefore meets the requirements of Section 32(1) of the 1988 Act. The Tribunal is also satisfied that an AT5 Notice was given to the Respondent prior to the creation of the tenancy. In the circumstances, the Tribunal determines that the tenancy is a short assured tenancy in terms of section 32 of the 1988 Act.
15. From the documents submitted with the application, and information provided at the CMD, the Tribunal is satisfied that the Applicant served a Notice to Quit on the Respondent on 17 November 2025. The Notice to Quit called upon the Respondent to vacate the property on 5 February 2026, an ish date. The Notice contains the information prescribed by the Assured Tenancies (Notices to Quit Prescribed Information) (Scotland) Regulations 1988 and complies with Section 112 of the Rent (Scotland) Act 1984. The Tribunal is satisfied that the Notice to Quit is valid and that the tenancy contract has been terminated.
16. The Tribunal is also satisfied that the Applicant served a Section 33 notice on the Respondent, also on 17 November 2025. This states that the Applicant requires possession of the property on 5 February 2026.
17. A Section 11 Notice was submitted with the application, with evidence that it was sent to the Local Authority. The Applicant has therefore complied with Section 19A of the 1988 Act.
18. Section 33 of the 1988 Act, (as amended by the Coronavirus (Recovery and Reform) (Scotland) Act 2022) states “(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; (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” Subsection 2 states “The period of notice to be given under subsection (1)(d) above shall be – (1) 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”. The Tribunal is satisfied that the tenancy has reached its finish and, as the Applicant has served a valid Notice to Quit, that tacit relocation is not operating. A valid notice in terms of section 33(d) has also

been served on the Respondent, giving at least two months' notice that the Applicant required possession of the property.

19. The Tribunal proceeded to consider whether it would be reasonable to grant the order for possession, in terms of Section 33(e) of the 1988 Act.

20. The Tribunal had regard to the following: -

(a) The Respondent's partner has advised the Applicant's agent that the application is not opposed and that they have applied to the Local Authority for housing. They have been told that they will only be provided with accommodation when they become homeless and after an eviction order is granted.

(b) The Applicant intends to sell the property to repay debt and alleviate his financial difficulties.

21. For the reasons outlined, the Tribunal is satisfied that it would be reasonable to grant the order for eviction.

Decision

22. The Tribunal determines that an order for possession of the property should be granted against the Respondent.

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.