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 ("the Act")

Chamber Ref: FTS/HPC/EV/26/2172

Re: Property at Riyndale, Strichen, Fraserburgh, AB43 6RX ("the Property")

Parties:

Mrs Sarah Addison nee Cockburn, 16 Symons Close, Hartburn, Stockton on Tees, TS18 5QB ("the Applicant")

Mr Richard Panton, Riyndale, Strichen, Fraserburgh, AB43 6RX ("the Respondent")

Tribunal Members:

Hilary Macandrew (Legal Member) and Gerard Darroch (Ordinary Member)

Decision in absence of the Respondent

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that an Eviction Order be granted.

1) Background

1.1 By Application dated 14th May 2026 the Applicant sought an Eviction Order under Section 33 of the Housing (Scotland) Act 1988.

1.2 The application to the Tribunal was made by Form E and was accepted for determination by the Tribunal on 29th May 2026.

1.3 Intimation of the application and of the Initial Case Management Discussion (CMD) was effected upon the Respondent by Sheriff Officer on 17th August 2026

1.4 The Applicant lodged the following documents in advance of the case management discussion (CMD): -

- Short Assured Tenancy Agreement
- AT 5
- Section 33 Notice
- Section 11 Notice
- Notice to Quit and proof of service

1.5 The Case Management Discussion was set to take place on 23rd October 2026. Intimation was given to the Respondent by Sheriff Officers on 17th August 2026.

2) The Case Management Discussion

2.1 The CMD took place by tele conference on 23rd October 2026. The Applicant was represented by Mr Anderson-Troy of Penny Lane Homes, Estate Agents and Letting Agents. The start of the Tribunal was delayed for 5 minutes. The Respondent was neither represented nor took part.

2.2 The Applicant sought the Eviction Order based on the tenancy having reached its end and the Applicant intending to sell the property.

2.3 Mr Anderson-Troy asked the Tribunal to grant the Eviction Order. He referred to the documents lodged with the Application, namely the Short-Assured Tenancy Agreement, the AT5, expired Notice to Quit, Section 33 Notice and Section 11 Notice to the Local Authority.

2.4 He explained that the Applicant lives some distance from the property. She has a portfolio originally of nine properties which she has gradually sold, and this property is the last. She no longer wishes to be a landlord. She is due to retire. There is a mortgage secured over the property, the term of which is nearing its end and the mortgage will require to be repaid. The tenancy was originally a joint tenancy between the Respondent and Mrs Evelyn Panton. The said Mrs Evelyn Panton moved out of the property prior to 2020, and the Respondent is the sole tenant. The Applicant has instructed Penny Lane Homes to deal with the marketing of the property in the event that the Eviction Order is granted.

2.5 The Tribunal noted that the Respondent has not engaged with the Tribunal proceedings. Mr Anderson-Troy explained that the Respondent is believed to live alone. He is in his late 50's. He was working as an Electrician. He has conducted the tenancy satisfactorily. He has not communicated with the Applicant nor with Mr Anderson-Troy since the Notice to Quit was served.

2.6 Rule 17 of the First-Tier Tribunal for Scotland (Housing and Property Chamber) (Procedure) Regulations 2017 provides that the Tribunal may do anything at a CMD which it may do at a hearing, including making a decision. The Tribunal

was satisfied that it had before it sufficient information and documentation to decide the application without a hearing.

3) Findings in Fact and Law

3.1 The Tenancy agreement is a Short-Assured Tenancy which commenced on 1st February 2017.

3.2 On 20th February 2026 the Applicant served Notice to Quit and Notice in terms of Section 33 of the Act on the Respondent by Sheriff Officers. The Notices were effective from 1st May 2026. The Notices were correctly drafted and provided sufficient Notice.

3.3 The Notices informed the Respondent that the Applicant wished to seek recovery of possession using the provisions of Section 33 of the Act.

3.4 The basis for the Order for possession was accordingly established.

4) Issue For the Tribunal

4.1 The issue for the Tribunal is to determine whether it is reasonable to grant the Order.

4.2 The Tribunal approached the issue of reasonableness in accordance with the case of *Barclay v Hannah 1943 SC 245* whereby the Tribunal was under a duty to consider the whole facts and circumstances in which the Application was made.

4.3 The Tribunal found that the Applicant is entitled to recovery of the property. The correct Notices have been served on the Respondent. The Tribunal also had regard to the Applicant's personal circumstances. The Tribunal noted that the Respondent has failed to provide any representations or evidence to indicate any reason why the order sought should not be granted.

4.4 Accordingly, the Tribunal was satisfied that it is reasonable to grant an order for eviction.

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.

Hilary MacAndrew

23rd October 2026

Legal Member/Chair **Date**