



**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/24/0345**

**Re: Property at 11 Meiklelaught Place, Saltcoats, KA21 6GR (“the Property”)**

**Parties:**

**Mr Scott Russell, 18 Brewland Street, Galston, Ayrshire, KA4 8AQ (“the Applicant”)**

**Miss Antonnia Brennan, 11 Meiklelaught Place, Saltcoats, KA21 6GR (“the Respondent”)**

**Tribunal Members:**

**Nairn Young (Legal Member) and Elizabeth Williams (Ordinary Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that**

- Background

This is an application for an order for possession of the Property, which was let to the Respondent by the Applicant in terms of a short assured tenancy agreement. It called for case management discussion at 10am on 17 June 2024, by teleconference. The Applicant was represented on the call by Ms Anderson of Complete Clarity Solicitors. The Respondent was represented on the call by Mr Alister Meek, of CHAP.

- Findings in Fact

The Respondent's representative confirmed that she did not oppose the application. The following facts, as set out in it, were relied upon by the Tribunal in making its decision:

1. The Respondent let the Property from the Applicant in terms of a short assured tenancy agreement with an initial term of six months, commencing 8 July 2015.
2. In terms of the agreement, termination of the lease could be effected by either party giving one month's notice to the other.
3. Following its initial term, the lease ran on by tacit relocation until 8 December 2023.
4. That termination was effected by the Applicant serving notice to quit on 3 August 2023, along with notice that he required possession of the Property at termination, in terms of s.33(1)(d) of the Housing (Scotland) Act 1988 ('the Act').
5. The Applicant wishes to sell the Property as part of a process of liquidating his property portfolio.
6. The Respondent is in arrears of rent of £4,778.15.

- Reasons for Decision

7. The tenancy has reached its end and tacit relocation is not operating. The notice required by s.33(1)(d) of the Act was served. It is reasonable for an order for possession to be granted. The Applicant wishes to sell the Property and the Respondent has not suggested it is unreasonable for him to be allowed to do so. In any event, she has significant arrears of rent, a situation

which it is not reasonable to expect the Applicant to continue to put up with.  
The requirements of s.33 of the Act are therefore met and an order should be granted.

- Decision

**Order for possession granted.**

**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.**

**Nairn Young**

**Legal Member/Chair**

**18 June 2024**

**Date**