



**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/24/1606**

**Re: Property at 27 Forth Place, Lossiemouth, IV31 6RQ (“the Property”)**

**Parties:**

**Mr Alexander MacNaughton, Mrs Helen MacNaughton, 6 Woodside Gardens, Westhill, Inverness, IV2 5TF (“the Applicants”)**

**Ms Joan Smith, 27 Forth Place, Lossiemouth, IV31 6RQ (“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 Applicants in terms of a short assured tenancy agreement. It called for case management discussion (‘CMD’) at 10am, by teleconference. The Applicants were represented on the call by Lisa McCullough of Stewart & Watson. The Respondent was on the call in-person.

- Findings in Fact

The Respondent confirmed that she did not oppose the application. The following undisputed facts were relied upon by the Tribunal in making its decision:

1. The Respondent let the Property from the Applicants in terms of a short assured tenancy agreement with an initial term of one year, commencing 8 April 2015.
2. In terms of the agreement, termination of the lease could be effected by either party giving two months notice to the other.
3. Following its initial term, the lease ran on by tacit relocation until 8 April 2024.
4. That termination was effected by the Applicants serving notice to quit on 17 January 2024, along with notice that they required possession of the Property at termination, in terms of s.33(1)(d) of the Housing (Scotland) Act 1988 ('the Act').
5. The Applicants wish to sell the Property as they wish to retire from being landlords.
6. The Respondent is waiting to be allocated a council house, but will not be prioritised for this unless and until an order for recovery of possession is granted.

- 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 Applicants wish to sell the Property and the Respondent has not suggested it is unreasonable for them to be

allowed to do so. 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.

**N. Young**

**30<sup>th</sup> August 2024**

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**Legal Member/Chair**

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**Date**