



**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/24/2581**

**Re: Property at 16 Clyde Court, Glenrothes, KY6 2BN (“the Property”)**

**Parties:**

**Mr Dale Melville, Mrs Lesley Melville, 51 Lochtyview Way, Thornton, Kirkcaldy,  
KY1 4BL (“the Applicants”)**

**Ms Nicki Bousie, 16 Clyde Court, Glenrothes, KY6 2BN (“the Respondent”)**

**Tribunal Members:**

**Alastair Houston (Legal Member) and Angus Lamont (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 recovery of possession be made in favour of the Applicants.**

**1. Background**

1.1 This is an application under rule 66 of the Chamber Rules whereby the Applicants seek an order for recovery of possession of the property. The application was accompanied by copies of the written tenancy agreement between the parties, the notice to quit and notice in terms of section 33 of the Housing (Scotland) Act 1988 (“the 1988 Act”).

1.2 No written representations had been received from the Respondent prior to the Case Management Discussion.

**2. The Case Management Discussion**

2.1 The Case Management Discussion took place on 24 February 2025 by teleconference. The Applicants were represented by Mr Livingstone of

Landlord Specialist Services Scotland. The Respondent was neither present nor represented.

2.2 The Tribunal noted that the application had been served on the Respondent by Sheriff Officers. Intimation of the Case Management Discussion had been given to her. The Applicant's representative confirmed they wished to proceed and the Tribunal deemed it appropriate to do so as permitted in terms of rule 29 of the Chamber Rules.

2.3 The Applicant's representative confirmed that an order for recovery of possession was sought. The Applicants' relationship had ended and they required to sell the property with the proceeds to be split between them. As far as the Applicant's representative was aware, the Respondent was a single occupant with no dependents. She was believed to be in full time employment and not reliant on benefits. There had been no issue with her conduct as a tenant and recovery of possession was sought simply due to the change in the Applicants' circumstances.

### **3. Reasons For Decision**

3.1 The Respondent occupied the property by virtue of a short assured tenancy agreement. Valid notice to quit had been given by the Applicants to the Respondent, terminating the contractual tenancy agreement. Notice in terms of section 33 of the 1988 Act had also been given.

3.2 The only issue for the Tribunal was whether it was reasonable in terms of section 33(e) of the 1988 Act to grant the order sought. The Tribunal noted that clear reasoning had been given as to why the Applicants sought possession of the property. In the absence of any representations by the Respondent as to why it would not be reasonable to grant the order, the Tribunal granted an order for recovery of possession.

### **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.**

**Alastair Houston**

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**Legal Member/Chair**

**24 February 2025**  
**Date**