



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 51 (1) of the Private Housing (Tenancies) (Scotland) Act 2016**

**Chamber Ref: FTS/HPC/EV/24/3520**

**Re: Property at 24 Massereene Road, Kirkcaldy, Fife, KY2 5RS (“the Property”)**

**Parties:**

**Brammell & Simpson, PO Box 26772, Kirkcaldy, Fife, KY1 1ZF (“the Applicant”)**

**Elizabeth Fyffe, Lee Steele, 24 Massereene Road, Kirkcaldy, Fife, KY2 5RS (“the Respondent”)**

**Tribunal Members:**

**Andrew McLaughlin (Legal Member) and Angus Lamont (Ordinary Member)**

[1] The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted the Application and made an Eviction Order.

**Background**

[2] The Applicant seeks an Eviction Order under Section 33 of the Act. The Application is accompanied by a copy of the relevant tenancy agreement; the relevant notice under Section 33 of the Act; the relevant notice to quit; the relevant notice under Section 11 of the Homelessness (etc) (Scotland) Act 2003 and proof of service.

**The Case Management Discussion**

[3] The Application called for a Case Management Discussion (CMD) by conference call at 10 am on 1 May 2024. The Applicant was represented by their own Mr Brammell. There was no appearance by or on behalf of the Respondents. The Application and information about how to join the conference call had been served on the Respondents by Sheriff Officers. The Tribunal therefore decided to proceed in the absence of the Respondents.

[4] The Tribunal was addressed on the Application. The Tribunal carefully considered the reasonableness or otherwise of granting the Application. Having done so, the Tribunal made the following findings in fact.

### **Findings in Fact**

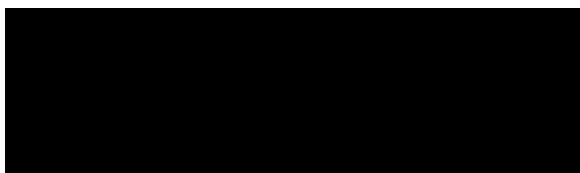
1. *The Applicant let the Property to the Respondents by virtue of a Short-Assured Tenancy within the meaning of the Act;*
2. *The Applicant competently ended the tenancy by competently serving a notice under Section 33 of the Act and a notice to quit;*
3. *The Applicant has served the requisite notice under Section 11 of the Homelessness (etc) (Scotland) Act 2003;*
4. *The Applicant wishes to sell the Property.*
5. *The Respondent has not engaged with the Tribunal process. The Respondent is aware of the methods by which she might receive support to find alternate accommodation. The Property is in any event no longer appropriate for the Respondents as it is a small two bedroom property and there are three children in the household.*

### **Reasons for Decision**

[5] Having made the above findings in fact, the Tribunal found that the tenancy had been validly ended under Section 33 of the Act and that it was reasonable to make an Eviction Order. The Tribunal therefore granted the Application.

### **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.**



**Legal Member/Chair**

**17 March 2025**

**Date**

