

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 (Act)**

Chamber Ref: FTS/HPC/EV/24/3987

**Re: Property at 30 Craigie Crescent, Kirkwall, Orkney, KW15 1EP (“the
Property”)**

Parties:

**Mrs Ann Rorie, Mr Malcolm Edward Rorie, Flat, Territorial Army Centre, Weyland
Park, Kirkwall, KW15 1LP; Territorial Army Centre, Weyland Park, Orkney,
Kirkwall, KW15 1LP (“the Applicant”)**

**Mr Alex Johnston, Mrs Shannon Johnston, 30 Craigie Crescent, Kirkwall,
Orkney, KW15 1EP (“the Respondent”)**

Tribunal Members:

Alan Strain (Legal Member) and Sandra Brydon (Ordinary Member)

Decision

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that the application for eviction and recovery of
possession be granted.**

This is an application under section 33 of the Act and Rule 66 of the First-tier Tribunal
for Scotland Housing and Property Chamber (Procedure) Regulations 2017
(**Regulations**) in respect of the termination of a Short-Assured Tenancy (**SAT**).

The Tribunal had regard to the following documents lodged in advance of the Hearing:

1. Application received 28 August 2024;
2. AT5 and SAT commencing 1 July 2017;
3. Notice to Quit and Section 33 Notice dated 19 April 2024 delivered 20 April 2024;
5. Section 11 Notice and email serving on local authority dated 28 August 2024;
7. Sheriff Officer certificate of service of CMD Notification on 26 March 2025;
8. Applicant’s Written Representations dated 23 May 2025 enclosing updated rent
statement as at 1 April 2025.

Case Management Discussion (CMD)

The case called for a CMD by conference call on 30 May 2025. The Applicants did not participate but were represented by their solicitor, Ms Bruce. The Respondents participated and represented themselves.

The Tribunal confirmed the paperwork was in order so it had to consider the question of reasonableness with the Parties.

The Respondents' position

The Respondents confirmed they were not opposing the application. They were in contact with the local authority and were seeking housing within the catchment area of their daughter's nursery. They also wished a Property they could call home and put their personal stamp on.

The Respondents live in the 2 bedroom Property with their 3 year old daughter and 1 year old son. Mr Johnston is in full time employment and Mrs Johnstone works on a relief/casual basis.

The Respondents accepted that they were in the region of £1,000 in rental arrears.

The Applicants' position

The Applicants were retired and this was their only rental Property. There were arrears of rent which were reducing due to the Respondents paying monthly towards the arrears.

Decision and Reasons

The Tribunal considered the oral and documentary evidence. In so far as material the Tribunal made the following findings in fact:

1. The Parties let the subjects under a SAT commencing 1 July 2017;
2. An AT5 had been served prior to commencement of the SAT;
3. Notice to Quit and Section 33 Notice had been served on 20 April 2024;
4. Section 11 Notice had been served on the local authority on 28 August 2024;
5. The SAT had reached its end and had been terminated;
6. Tacit relocation was no longer operating;
7. No further contractual tenancy was in existence;
8. The Applicants had given the Respondents notice that they required possession;
9. The Respondents are rent arrears in the region of £1,000 as at the CMD. They are paying monthly towards the arrears;
10. The Respondents are in contact with the local authority and were seeking housing within the catchment area of their daughter's nursery. They also wished a Property they could call home and put their personal stamp on;
11. The Respondents do not oppose the application;

12. The Respondents live in the 2 bedroom Property with their 3 year old daughter and 1 year old son.

The Tribunal considered all of the evidence and submissions.

The Tribunal were satisfied that Rule 66 had been complied with.

The Tribunal were aware that it had to be satisfied that it was reasonable in the circumstances to grant the order sought.

The Tribunal considered that it was reasonable to grant the order sought in the circumstances and granted the application for eviction and recovery of possession. The Tribunal did not require to hear any further evidence.

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.

Alan Strain

30 May 2025

Legal Member/Chair

Date