



**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/24/4271

**Property: 16 Drummie Road, Tillicoultry, Clackmannanshire FK13 6HT
("Property")**

Parties:

**John McAllister, 24 Sandyknowe, Tillicoultry, Clackmannanshire FK13 6RG
("Applicant")**

**Russel + Aitken (Falkirk & Alloa) Ltd, 19 Mar Street, Alloa, Clackmannanshire
FK10 1HR ("Applicant's Representative")**

**Audrey Jackson, 16 Drummie Road, Tillicoultry, Clackmannanshire FK13 6HT
("Respondent")**

Tribunal Members:

Joan Devine (Legal Member)

Elizabeth Dickson (Ordinary Member)

Decision

**The First-tier Tribunal for Scotland (Housing and Property Chamber)
("Tribunal") determined that an order for possession of the Property should be
made.**

Background

The Applicant sought recovery of possession of the Property. The Applicant had lodged Form E. The documents produced were: Short Assured Tenancy Agreement dated 8 and 22 December 2014; AT5 dated 8 December 2014; Notice to Quit dated 21 May 2024 and Notice in terms of section 33 of the Housing (Scotland) Act 1988 ("1988 Act") dated 21 May 2024, both addressed to the Respondent; Royal Mail proof of delivery on 22 May 2024; notification to the Local Authority in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003 with covering email dated 11 September 2024; power of attorney by Anne McAllister in favour of John McAllister dated 5 October 2021 and sheriff officer execution of service confirming service of the application on the Respondent on 11 March 2025.

Case Management Discussion (“CMD”)

A CMD took place before the Tribunal by conference call on 27 May 2025. The Applicant was represented by Philip Bonnar of the Applicant’s Representative. The Respondent was in attendance and was accompanied by Pauline Thomson from the Citizen’s Advice Bureau as a supporter.

The Respondent told the Tribunal that she did not oppose the grant of an order for possession. She said she was waiting for the local authority to match her with a property. Ms Thomson said that the Respondent is aged 62 and is disabled. She said she needs a one bedroom ground floor property. She said that such properties are scarce in Clackmannanshire. She said the Respondent has been categorised as homeless for the past 6 months and is now in the top 5 of the list for re-housing. She said that the Property no longer suits the Respondent’s needs as it is damp and there has been a problem with a neighbour upstairs.

Mr Bonnar said he had not been made aware of any repairs being required. He said that the Applicant is an unwilling landlord who does not wish to continue to deal with the administration required of being a landlord. He said the Applicant was born in 1952 and his wife in 1956 and he wishes to sell the Property. He said the test in section 33 of the 1988 Act has been met and it would be reasonable to grant an order for eviction.

Findings in Fact

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent entered into a short assured tenancy agreement dated 8 and 22 December 2014.
2. The tenancy was for the period 26 December 2014 to 26 June 2015 and month to month thereafter.
3. A Notice to Quit dated 21 May 2024 was served on the Respondent on stating that the tenancy would terminate on 26 July 2024.
4. A Notice in terms of Section 33 of the 1988 Act dated 21 May 2024 was served on the Respondent on stating that possession of the property was required on 26 July 2024.
5. The tenancy reached its *ish* on 26 July 2024 and is not continuing by tacit relocation.

6. Notification was provided to the Local Authority in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003.

Reasons for the Decision

The Tribunal determined to make an Order for possession of the Property in terms of Section 33 of the 1988 Act. The Tribunal noted that the tenancy had been properly created as a short assured tenancy and that a Section 33 Notice and Notice to Quit had been served on the Respondent giving two months' notice that the Applicant required possession of the Property.

Having considered all of the circumstances, and in light of the Respondent's lack of opposition to the application, the Tribunal determined that it was reasonable to grant and order for possession of the Property.

Decision

The Tribunal grants an Order for possession of the Property.

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.

J Devine

Legal Member

Date : 27 May 2025