

**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/24/5457

Re: Property at 1/18 Bellsmeadow Road, Falkirk, FK1 1SD (“the Property”)

Parties:

Mrs Shona Heggie, 1 The Grange, Brightons, Falkirk, FK2 0SS (“the Applicant”)

**Mr Alexander Ramsay, 1/18 Bellsmeadow Road, Falkirk, FK1 1SD (“the
Respondent”)**

Tribunal Members:

Gillian Buchanan (Legal Member) and Eileen Shand (Ordinary Member)

Decision (in absence of the Respondent)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that**

At the Case Management Discussion (“CMD”), which took place by telephone conference on 2 June 2025, the Applicant was not in attendance but was represented by Mr Philip Bonnar of Russel & Aitken (Falkirk & Alloa) Limited. The Respondent was neither present nor represented.

The tribunal was satisfied that the requirements of Rule 24(1) of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the Rules”) had been satisfied relative to the Respondent having received notice of the CMD and determined to proceed in the absence of the Respondent in terms of Rule 29.

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that:-**

Background

The Tribunal noted the following background:-

- i. The Applicant is the joint heritable proprietor of the Property.

- ii. The Applicant leased the Property to the Respondent in terms of a Short Assured Tenancy Agreement ("the SAT") that commenced on 22 April 2011.
- iii. The initial term of the tenancy was for the period to 22 October 2011 and the tenancy has continued thereafter on a month to month basis per the SAT.
- iv. The rent payable in terms of the SAT is £475 per calendar month.
- v. On 20 September 2024, the Applicant's agent served on the Respondent by Sheriff Officers a Notice to Quit and a Notice under Section 33 of the Housing (Scotland) Act 1988 requiring the Respondent remove from the Property by 22 November 2024.
- vi. The Applicant's agent served on Falkirk Council a Notice under Section 11 of the Homelessness etc (Scotland) Act 2003.

The CMD

At the CMD Mr Bonnar made the following oral representations:-

- i. Previously in June 2024 the Applicant tried to submit her own application to the Tribunal for an eviction order. That application was defective and did not proceed.
- ii. The Applicant is 67 years of age and will soon be 68 years old.
- iii. She wishes to shed the "shackles" of a landlord which are becoming more onerous and burdensome.
- iv. The rent is substantially below market value. The Respondent expressed irritation at the prospect of a rent increase. There has been no rent increase. Rent is paid up to date.
- v. Whilst the Applicant initially considered recovering possession and seeking a new tenant the eviction process has made her disillusioned, albeit part of the delay was of her own making relative to the earlier failed application. The Applicant does not wish to continue as a landlord.
- vi. Mr Bonnar is not aware of whether the Applicant owns other rental properties.
- vii. There have been no discussions with the Respondent. He has not responded to any correspondence sent by Mr Bonnar.
- viii. The Respondent lives alone and is believed to work. There are no children in the Property and no known disabilities.
- ix. The Property has 2 bedrooms and is not adapted.
- x. Following service of the Section 11 Notice, on 4 December 2024 Falkirk Council Debt Advice Team confirmed having sent a letter to the Respondent.
- xi. Nothing has been heard relative to alternative accommodation.
- xii. The Applicant seeks an eviction order.

Findings in Fact

- i. The Applicant is the joint heritable proprietor of the Property.
- ii. The Applicant leased the Property to the Respondent in terms of a Short Assured Tenancy Agreement ("the SAT") that commenced on 22 April 2011.
- iii. The initial term of the tenancy was for the period to 22 October 2011 and the tenancy has continued thereafter on a month to month basis per the SAT.
- iv. The rent payable in terms of the SAT is £475 per calendar month.
- v. The rent is substantially below market value.
- vi. The Respondent expressed irritation at the prospect of a rent increase.
- vii. There has been no rent increase.
- viii. Rent is paid up to date.
- ix. Previously in June 2024 the Applicant tried to submit her own application to the Tribunal for an eviction order. That application was defective and did not proceed.
- x. The Applicant is 67 years of age and will soon be 68 years old.

- xi. The Applicant does not wish to continue as a landlord.
- xii. The Respondent lives alone and is believed to work.
- xiii. There are no children in the Property and no known disabilities.
- xiv. The Property has 2 bedrooms and is not adapted.
- xv. On 20 September 2024, the Applicant's agent served on the Respondent by Sheriff Officers a Notice to Quit and a Notice under Section 33 of the Housing (Scotland) Act 1988 requiring the Respondent remove from the Property by 22 November 2024.
- xvi. The Respondent did not reply.
- xvii. The Applicant's agent served on Falkirk Council a Notice under Section 11 of the Homelessness etc (Scotland) Act 2003.
- xviii. Following service of the Section 11 Notice, on 4 December 2024 Falkirk Council Debt Advice Team wrote a letter to the Respondent.

Reasons for Decision

The Respondent did not submit any representations to the Tribunal and did not attend the CMD despite the SAT being longstanding. The factual background narrated by the Applicant within the application papers and orally on her behalf at the CMD was not challenged and was therefore accepted by the Tribunal.

The application proceeds upon Section 33 of the 1988 Act.

Section 33 states:-

"Recovery of possession on termination of a short assured tenancy.

(1) Without prejudice to any right of the landlord under a short assured tenancy to recover possession of the house let on the tenancy in accordance with [sections 12 to 31](#) of this Act, the First-tier Tribunal may make an order for possession of the house if the Tribunal is satisfied—

(a) that the short assured tenancy has reached its ish;

(b) that tacit relocation is not operating;

(d) that the landlord (or, where there are joint landlords, any of them) has given to the tenant notice stating that he requires possession of the house, and

(e) that it is reasonable to make an order for possession."

The Tribunal is satisfied that the SAT has reached its ish and that tacit relocation is not operating.

The Tribunal is also satisfied that the Applicant has given proper notice to the Respondent that she requires possession of the Property having regard to the terms of Section 33(2).

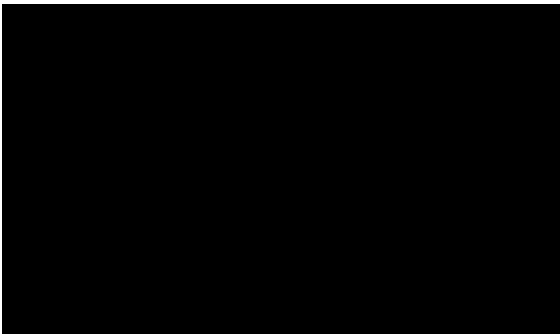
The Tribunal requires to be satisfied that it is reasonable to issue an eviction order in terms of sub-paragraph 1(e). In the absence of any challenge by the Respondent the Tribunal accepted the Applicant's stated intention to sell the Property as a reasonable basis for granting the eviction order.

Decision

The Tribunal grants an eviction order against the Respondent in favour of the Applicant.

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.



2 June 2025
Date