



**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/24/5601**

**Re: Property at 11 GREENCRAIG AVENUE, SHIELDHILL, FALKIRK, FK1 2ES  
("the Property")**

**Parties:**

**Elaine Helen Walker, Alyson Margaret Campbell, 78 Mavisbank Avenue,  
Shieldhill, Falkirk, FK1 2EX ("the Applicant")**

**MR WILLIAM MILLAR, MS LAURA DUNCAN, 11 GREENCRAIG AVENUE,  
SHIELDHILL, FALKIRK, FK1 2ES ("the Respondent")**

**Tribunal Members:**

**Alan Strain (Legal Member) and Frances Wood (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 but that execution of the order should be postponed to 12 September 2025.**

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 5 December 2024;
2. AT5 and SAT commencing 30 March 2013;
3. Notice to Quit and Section 33 Notice dated 2 September 2024 and served by Sheriff Officer on 4 September 2024;
4. Section 11 Notice and email serving on local authority dated 30 September 2024;
5. Letter of 17 January 2025 from James Sharp;

6. Sheriff Officer certificate of service of CMD Notification on 15 April 2025.

### **Case Management Discussion (CMD)**

The case called for a CMD by conference call on 15 July 2025. The Applicants did not participate but were represented by their Letting Agent, Mr Sinclair-Aiton. The Applicants' parents, Mr and Mrs Sharp participated. 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 had been told to come back when an order had been granted by the tribunal. They had bid for properties recently and were told they were getting close, but understood that having an Eviction Order could increase their priority for re-housing.

The Respondents live in the Property with their 11 year old son who attends the local primary school.

Ms Duncan helps care for her mother who lives nearby and provides assistance with care for their son.

Both Respondents are in employment.

#### *The Applicants' position*

The Applicants had been transferred the Property by their elderly parents Mr and Mrs Sharp. Mr Sharp had written a letter to the Tribunal dated 17 January 2025 detailing debilitating health conditions he and his wife had and the need to sell the Property.

Mr Sharp was the main point of contact for looking after the Property and he was no longer in a position to do so due to his deteriorating health.

The Applicants themselves had their own family and financial commitments which meant that it was not viable to let the Property.

Clyde Property had been instructed to sell the Property.

After discussion with the Parties regarding any suspension of an eviction order both Parties agreed that 28 days suspension would be fair and reasonable.

### **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 30 March 2013;
2. An AT5 had been served prior to commencement of the SAT;
3. Notice to Quit and Section 33 Notice had been served on 4 September 2024;
4. Section 11 Notice had been served on the local authority on 30 September 2024;
5. The SAT had reached its ish 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 in contact with the local authority and were seeking alternate housing;
10. The Respondents do not oppose the application;
11. The Respondents are both in employment and live in the Property with their 11 year old son who attends the local school;
12. Ms Duncan's mother lives nearby and is cared for by Ms Duncan;
13. Ms Duncan's mother assists with looking after the Respondent's son;
14. The Applicants had become the owners of the Property through transfer from their elderly parents who both had debilitating health conditions;
15. The Applicants have family and financial commitments which meant that it was not viable to let the Property.

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 and to postpone execution of the order to 12 September 2025 under Rule 16A of the Tribunal Procedure Rules. 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**

**15 July 2025**

---

**Legal Member/Chair**

---

**Date**

