



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland  
(Housing and Property Chamber) under Section 18(1) of the Housing  
(Scotland) Act 1988**

**Chamber Ref: FTS/HPC/EV/24/5671**

**Re: Property at 1 Cairn Park, Bielside, Aberdeen, AB15 9TG (“the Property”)**

**Parties:**

**Mr James Grant, Lorna Grant, Silverburn Farm, Kingswells, Aberdeen, AB15 8QL (“the Applicants”)**

**Ms Oksana Lastockina, 1 Cairn Park, Bielside, Aberdeen, AB15 9TG (“the Respondent”)**

**Tribunal Members:**

**Graham Harding (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 the Applicants were entitled to an order for possession of the property and the removal of the Respondent from the property.**

**Background**

1. By application dated 2 December 2024 and amended on 26 February 2025 the Applicants applied to the Tribunal for an order for recovery of possession of the property in terms of grounds 11 and 12 of Schedule 3 and Section 18(1) of the Housing (Scotland) Act 1988 (“the 1988 Act”). The Applicants submitted a copy of a tenancy agreement, Form AT5, Form AT6, a Notice to Quit, Sheriff Officers’ Certificate of Service, a rent Statement, a bank statement, pre-action requirement letters, a letter from the Applicants’ doctor, a Section 11 Notice with proof of intimation together with other documents in support of the application.

2. By Notice of Acceptance dated 31 March 2025 a legal member with delegated powers accepted the application and a Case Management Discussion ("CMD") was assigned.
3. Intimation of the CMD was served on the Respondent by Sheriff Officers on 21 May 2025.

### **The Case Management Discussion**

4. A CMD was held by teleconference on 10 July 2025. The Applicants attended in person. The Respondent did not attend nor was she represented. The tribunal being satisfied that proper intimation of the CMD had been given to the Respondent determined to proceed in her absence.
5. The tribunal noted that the Respondent and her husband, Denis Lastockins, had entered into a short assured tenancy that commenced on 1 February 2015 and had endured until 1 February 2016 and then from month to month thereafter. The tribunal also noted that in November 2022 Mr Lastockins left the property and it was agreed with the Respondent that the tenancy would continue in her sole name at a reduced rent of £680.00 per month. Mr Grant advised the tribunal that the Respondent continued to pay rent for the property up until February 2024 but had paid no rent since that date. Mr Grant advised the tribunal that the Respondent now owed 17 months' rent.
6. The tribunal noted that after attempting to assist the Respondent who had apparently lost her job as a dental nurse the Applicants had served a Form AT6 and Notice to Quit on the Respondent by Sheriff Officers on 1 October 2024. The tribunal also noted that the Applicants had intimated the proceedings to Aberdeen city council by way of a Section 11 Notice by email on 4 December 2024 and had sent a number of pre-action letters to the Respondent directing her to the various agencies where she could obtain assistance.
7. Mr Grant referred the tribunal to the visits he and his wife had made to the Respondent to try to assist her with obtaining help and the Respondent's refusal to accept all help. Mr Grant also spoke of trying to obtain assistance from the Respondent's adult son but he too had been unable to assist.
8. Mr Grant explained that both he and his wife were aged 83 and had significant health issues and had found the experience with the Respondent very stressful. Mr Grant explained that the Applicants were as yet undecided as to whether they would re-let the property or sell it. Mr Grant confirmed that the Applicants had a small portfolio of seven let properties. Mr Grant advised the tribunal that there was no mortgage over the property.
9. Mr Grant confirmed that the Respondent was living in the two bedroom property on her own as her adult son had left the property and had a flat of his own. He believed the Respondent was unemployed but not in receipt of benefits. He said that the Respondent had said she would only leave the property when the tribunal issued an order for her to leave.

## **Findings in Fact**

10. The Respondent and her husband Denis Lastockins commenced a short assured tenancy of the property on 1 February 2015 at a rent of £975.00 per month.
11. The tenancy endured until 1 February 2016 and then continued from month to month thereafter.
12. Mr Lastockins moved out of the property on 22 November 2022 and it was agreed with the Respondent that she would remain as the sole tenant at the reduced rent of £680.00 per month.
13. The Respondent paid rent of £680.00 per month until 1 February 2024.
14. The Respondent has failed to pay any rent since that date and now owes 17 months' rent amounting to £11560.00.
15. The Applicants have visited the Respondent on a number of occasions and offered to assist her with finding employment and also with obtaining benefits or social work or medical assistance. The Respondent has refused all offers of help.
16. The Applicants have served appropriate Pre-action Protocol letters on the Respondent.
17. The Respondent was served with a Notice to Quit and Form AT6 by Sheriff Officers on 1 October 2024.
18. The Applicants sent intimation of the proceedings by way of a Section 11 Notice to Aberdeen City Council on 4 December 2024.
19. The Applicants have suffered from stress as a result of the Respondent refusing to vacate the property, failing to pay rent and resulting in having to raise these proceedings.
20. The Applicants who are aged 83 have a portfolio of seven let properties and this forms part of their retirement income.
21. The Respondent is living in the property alone.
22. The Respondent has refused access to the Applicants' gas engineer to carry out a boiler service.
23. The Respondent has told the Applicants she will only vacate the property when the tribunal issues an order for her removal.

## **Reasons for Decision**

24. The tribunal was satisfied from the documents submitted together with the Applicants' oral submissions that the Respondent had assumed the sole tenancy of the property with effect from December 2022 at a rent of £680.00 per month in terms of the original short assured tenancy that commenced on 1 February 2015. The tribunal was also satisfied that the Respondent had fallen into arrears of rent in March 2024 and that no rent had been paid thereafter. The tribunal was satisfied that a Form AT6 and notice to Quit had been served on the Respondent by Sheriff Officers on 1 October 2024 and at that time the Respondent owed rent amounting to £4760.00. The tribunal was also satisfied that the Respondent currently owed rent amounting to £11560.00. The tribunal was also satisfied that Aberdeen City Council had been given notice of the proceedings by way of a Section 11 Notice and that appropriate pre-action requirement letters had been sent to the Respondent by the Applicants. The tribunal was therefore satisfied that procedurally the application met the requirements for an order to be granted in terms of Section 18(1) and grounds 11 and 12 of the 1988 Act subject to it being reasonable to grant the order sought.
25. In considering whether it was reasonable to grant the order the tribunal took account of the fact that despite being given an opportunity to submit written representations and to attend the CMD the Respondent chose to do neither. The tribunal took account of the Respondent's apparent unwillingness to engage with the Applicants offers of assistance and her refusal to co-operate with the Applicants in admitting a gas engineer to carry out a boiler service. Significantly the Respondent has failed to pay any rent for 17 months and there is now a very substantial level of rent arrear in the sum of £11560.00. The tribunal does not consider that the Applicants who are in their eighties and reliant on their portfolio of properties for part of their pension income to be expected to continue to sustain an ongoing loss from the property. The tribunal has also taken account of the impact the proceedings has had on the Applicants' health and particularly that of Mr Grant as evidenced by his own oral submissions and the letter from his doctor submitted with the application. Taking both parties circumstances into account insofar as the tribunal is satisfied that it is reasonable to grant the order sought.

## **Decision**

26. The tribunal being satisfied it has sufficient information before it to make a decision without the need for a hearing finds the Applicants entitled to an order for possession of the property and the removal of the Respondent from 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.**

# G Harding

**Graham Harding  
Legal Member/Chair**

**10 July 2025  
Date**