



**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 (the 1988 Act) and Rule 66 of The First-tier Tribunal for Scotland Housing and Property Chamber (Rules of Procedure) Regulations 2017 (the 2017 Rules)**

**Chamber Ref: FTS/HPC/EV/25/0344**

**Re: Property at 3 B Charles Avenue, Renfrew, PA4 8RS (the Property)**

**Parties:**

**Prestige Property Holdings Limited, a company incorporated under the Companies Acts (Company number SC799295) and having its registered office at 52 Causeyside Street, Paisley, PA1 1YW (the Applicant)**

**T C Young, solicitors, 7 West George Street, Glasgow, G2 1BA (the Applicant's Representative)**

**Miss Louise McKinney, 3B Charles Avenue, Renfrew, PA4 8RS (the Respondent)**

**Tribunal Members:**

**Ms Susanne L. M. Tanner K.C. (Legal Member)**  
**Ms Elaine Munroe (Ordinary Member)**

**Decision (in absence of Respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (the tribunal): (i) is satisfied in terms of Section 33 of the 1988 Act that the short assured tenancy for the Property has reached its end; tacit relocation is not operating; no further contractual tenancy (whether a short assured tenancy or not) is for the time being in existence; and the Applicant has given to the Respondent two months' notice stating that they require possession of the Property; (ii) is satisfied that it is reasonable to make an order for possession in the circumstances of the case; and (iii) made an order for possession in terms of Section 33 of the 1988 Act.**

**The decision of the tribunal was unanimous.**

## Statement of Reasons

1. The Applicant's Representative made an application to the tribunal on 28 January 2025, in terms of Section 33 of the Housing (Scotland) Act 1988 (the 1988 Act) and Rule 66 of the First-tier Tribunal for Scotland Housing and Property Chamber (Rules of Procedure) Regulations 2017 (the 2017 Rules).
2. The Applicant seeks the Respondent's eviction from the Property under Section 33 of the 1988 Act, for possession on termination of a short assured tenancy.
3. The Applicant's Representative lodged a paper apart and supporting documents with the Application, namely:
  - 3.1. Rental agreement;
  - 3.2. AT5;
  - 3.3. Notice to Quit dated 17 October 2024;
  - 3.4. Notice under Section 33(1)(d) of the 1988 Act;
  - 3.5. Section 11 notice; and
  - 3.6. Photographs.
4. On 30 January 2025, the tribunal's administration obtained the Title Sheet to the property which shows that the Applicant has been the registered proprietor of the Property since 18 June 2024.
5. On 30 January 2025, the tribunal's administration checked the registration details for the Property and there is no registered landlord for the Property
6. On 24 February 2025, the Application was accepted for determination and a Case Management Discussion (CMD) was fixed for 9 June 2025 and postponed by the tribunal's administration to 4 August 2025 at 1000 by teleconference.
7. By letters of 9 April 2025 and 13 June 2025, parties were notified by letter of the date, time and place of the CMD and told that they were required to attend. Parties were also advised in the same letter that the tribunal may do anything at a CMD which it may do at a hearing, including making a decision on the Application, which may involve making or refusing an eviction order. If parties do not attend the CMD this will not stop a decision or order being made by the tribunal if the tribunal considers that it has sufficient information before it to do so and the procedure has been fair. The Respondent was asked to submit any written representations to the tribunal's offices by 30 April 2025.
8. The Application paperwork and notification of the date, time and place of the CMD was served on the Respondent by Sheriff Officers on 10 April 2025; and by letter of 13 June 2025.

9. The Respondent did not submit any defence or written representations or make any contact with the tribunal's administration.

**Case Management Discussion (CMD): 4 August 2025 at 1000 by teleconference**

10. Mrs Mullen, solicitor from the Applicant's Representative, attended on behalf of the Applicant.
11. The Respondent did not attend the CMD or make any contact with the tribunal's administration. The tribunal was satisfied that the Respondent was personally served by Sheriff Officers with the Application and notification of the CMD on 10 April 2025 and received a letter on 13 June 2025 with the new date of the CMD. The tribunal was satisfied that the requirements of Rule 24 of the 2017 Rules regarding the giving of notice of a hearing had been duly complied with and proceeded with the Application upon the representations of the party present and all the material before it.
12. Mrs Mullen sought an order for possession.
13. Mrs Mullen stated that the Respondent lives in the Property alone. It is a two bedroomed property. The Respondent is 35 years old, single and leads a chaotic lifestyle. The Applicant believes that the Respondent is a drug user and keeps company at the Property with those who behave anti socially. One example was a window smashed in the Property by a visitor following an argument which resulted in police attendance. Visitors come and go and some may be occupying the Property with the Respondent. There have been other complaints about anti social behaviour in the property. The police told the Applicant that they visit the property regularly due to noise complaints.
14. The rent is paid by benefits in full. There are no arrears although payment has been somewhat sporadic recently.
15. The Applicant intends to renovate the Property. The Applicant purchased the Property at auction in June 2024 and shortly thereafter inspected the Property. When the Applicant attended the Property they were somewhat disappointed by the conditions. There are mouldy conditions throughout the property. The Applicant instructed an EICR in July 2024. That was returned unsatisfactory because a full re-wire is required. Sockets have been removed from the walls and there are loose wires. The electrical position presents a danger. Environmental Health considers the property to be uninhabitable and below the tolerable standard. The Applicant considers the position to be the result of tenant neglect and default. The Applicant has consulted with tradespeople who are unwilling to attend because of the condition and dogs in the Property.

16. The local authority offered two properties to the Respondent, one in Renfrew and one in Gallowhill and both were rejected. The Respondent is said to be waiting for a new build property.
17. The Applicant has regular communication with the Respondent's mother. At the outset, she was assisting the Applicant and requested notices to be served in July 2024. Unfortunately they were not valid. That started the ball rolling with steps to seek possession. The Sheriff Officers served the notice to quit and section 33 on 17 October 2024. Both gave two months' notice with a termination date of 22 December 2024. Mrs Mullen's submission is that the requirements of section 33 have been met.
18. Mrs Mullen submitted that in the circumstances outlined it would be reasonable for an eviction order to be made.
19. The tribunal adjourned to discuss the case. The tribunal was satisfied that there was sufficient information to make a decision on the Application.

**20. The tribunal makes the following findings-in-fact:**

- 20.1. The Applicant is the registered proprietor of the Property.
- 20.2. There is a short assured tenancy between the Applicant's predecessor in title and the Respondent for the Property which began on 22 April 2013. and lasted until 22 October 2013 and then continued by tacit relocation on a monthly basis.
- 20.3. The short assured tenancy reached its end on 22 December 2024 by service on behalf of the Applicant on the Respondent of a Notice to Quit, notifying the Respondent that the tenancy would reach its termination date as at 22 December 2024.
- 20.4. Tacit relocation is no longer operating.
- 20.5. No further contractual tenancy is for the time being in existence.
- 20.6. A Section 33 notice was served on behalf of the Applicant on the Respondent, notifying the Respondent that the Applicant required vacant possession as at 22 December 2024.
- 20.7. The Notice to Quit and Section 33 Notice were served on 17 October 2024.

- 20.8. The Applicant has given to the Respondent at least two months' notice stating that it requires possession of the Property.
- 20.9. The Application to the tribunal was made on 28 January 2025.
- 20.10. The Property is a two bedroomed flat.
- 20.11. The Respondent is a 35 year old female who has a sole tenancy for the Property.
- 20.12. There have been complaints to the police of anti social behaviour in the property by the Applicant and her visitors / guests.
- 20.13. The Property is below the tolerable standard.
- 20.14. There is mould throughout the Property.
- 20.15. The electrical installation in the Property is unsafe and requires to be upgraded.
- 20.16. The Applicant wishes to renovate the Property.
- 20.17. The Respondent has been offered two properties by the local authority which she has rejected.
- 20.18. The Respondent's rent is paid by benefits and there are no arrears as at 4 August 2025.

## **Discussion**

- 20.19. The tribunal is satisfied that the requirements of Section 33 of the 1988 Act are met.
- 20.20. The tribunal is satisfied that in all the circumstances and on the basis of the findings of fact, it is reasonable and to make 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.

# Susanne Tanner

Ms. Susanne L. M. Tanner K.C. —  
Legal Member/Chair

4 August 2025