



**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/24/5872**

**Re: Property at 2A South Campbell Street, Paisley, PA2 6LR (“the Property”)**

**Parties:**

**Mrs Fiona Thomson, 0/1 5 Hamilton Gardens, Glasgow, G12 8BD (“the Applicant”)**

**Ms Karolina Staniszewska, 2A South Campbell Street, Paisley, PA2 6LR (“the Respondent”)**

**Tribunal Members:**

**Ms H Forbes (Legal Member) and Mrs M Lyden (Ordinary Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for possession should be granted.**

**Background**

1. This is a Rule 66 application whereby the Applicant is seeking an order for possession in terms of section 33 of the Housing (Scotland) Act 1988 (“the Act”). The Applicant representative lodged a short assured tenancy agreement commencing on 15<sup>th</sup> November 2013 to 15<sup>th</sup> May 2014 and continuing on a monthly basis thereafter, Form AT5, rent statement, section 11 notice with evidence of service, and copy notice to quit and section 33 notice with evidence of service.
2. The Application and notification of a Case Management Discussion were served on the Respondent by Sheriff Officer on 9<sup>th</sup> June 2025.
3. By email dated 11<sup>th</sup> July 2025, the Applicant lodged an updated rent statement showing arrears in the sum of £7050.

## **Case Management Discussion**

4. A Case Management Discussion ("CMD") took place by telephone conference on 31<sup>st</sup> July 2025. Neither party was in attendance. The Applicant was represented by Mr Ashley Puren, Pure Property Management.
5. The Tribunal considered the terms of Rule 29. The Tribunal determined that the requirements of Rule 17(2) had been satisfied, and it was appropriate to proceed with the application in the absence of the Respondent.
6. Mr Puren outlined the background to the application, stating that there had been challenges in terms of rent payments over the years. Around two and a half years ago, the Respondent's employer cleared the rent arrears. No rent has been paid since June 2024. The letting agent has attempted to engage with the Respondent repeatedly by telephone and email. There has been no meaningful engagement from the Respondent.
7. Mr Puren said the Respondent has limited ability to speak English. The letting agent has tried to engage with the Respondent's partner, who lives at the Property. The Respondent has allowed access for inspections and contractors, but has not engaged in respect of the rent. Mr Puren said he is not aware of any children in the Property or any vulnerabilities in respect of the Respondent. As far as Mr Puren is aware, the Respondent is in employment.
8. Responding to questions from the Tribunal, Mr Puren said monthly rent statements were sent out to the Respondent as well as requests to enter into a payment plan. The Respondent has not been signposted to any sources of advice in respect of the rent arrears.
9. Mr Puren said the Applicant owns and lets eight properties through this letting agent. The Applicant is retired and lives off the letting income. The Applicant wishes to sell the Property.

## **Findings in Fact and Law**

10.
  - (i) The Applicant is the heritable proprietor of the Property.
  - (ii) Parties entered into a short assured tenancy agreement with the Applicant commencing on 15<sup>th</sup> November 2013 to 15<sup>th</sup> May 2014 , and monthly thereafter.
  - (iii) Notice to Quit and Section 33 Notice were served on the Respondent.
  - (iv) The short assured tenancy has reached its ish date.
  - (v) The contractual tenancy terminated on 15<sup>th</sup> December 2025.

- (vi) Tacit relocation is not in operation.
- (vii) The Applicant has given the Respondent notice that they require possession of the Property.
- (viii) It is reasonable to grant the order for possession.

## **Reasons for Decision**

11. Section 33 of the Act provides that the Tribunal may make an order for possession if satisfied that the short assured tenancy has reached its finish, tacit relocation is not operating, the landlord has given notice to the tenant that they require possession, and it is reasonable to make the order.
12. The contractual tenancy has been terminated and tacit relocation is not in operation. The Applicant has given the Respondent notice that they require possession of the Property.
13. In considering whether it was reasonable to grant the eviction order, the Tribunal considered the circumstances of both parties.
14. The Tribunal considered the level of arrears to be substantial and rising. The Tribunal considered the tenancy is not sustainable, as the Respondent appears unable or unwilling to pay the rent and arrears. No rent has been paid since June 2024.
15. The Applicant is suffering loss as a result of the Respondent's failure to pay the rent.
16. In all the circumstances, the Tribunal considered that a *prima facie* case in respect of reasonableness had been made out on behalf of the Applicant. It was incumbent upon the Respondent to attend or make representations to the Tribunal to indicate why an order should not be granted, and the Respondent failed to do so. The Tribunal considered it was reasonable to grant the order sought.

## **Decision**

17. An order for possession of the Property is granted under section 33 of the Housing (Scotland) Act 1988. The order is not to be executed prior to 12 noon on 3<sup>rd</sup> September 2025.

## **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.

# Helen Forbes

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Legal Member/Chair

31<sup>st</sup> July 2025  
Date