



**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/24/4911**

**Re: Property at 107 Millburn Avenue, Dumfries, DG1 4BJ (“the Property”)**

**Parties:**

**Ms Mariann Mitchell, 1 Nelson Street, Dumfries, DG2 9AY (“the Applicant”)**

**Miss Ashley Graham, 107 Millburn Avenue, Dumfries, DG1 4BJ (“the  
Respondent”)**

**Tribunal Members: Mr Nairn Young and Ms Eileen Shand**

**Decision**

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

- Background

This is an application for an order for possession of the Property, which was let to the Respondent by a Mr Iain Watson and a Mrs Amanda Watson in terms of a short assured tenancy agreement. The Applicant acts as attorney for Mr and Mrs Watson. It called for case management discussion (‘CMD’) at 2pm, by teleconference. The Applicant was represented on the call by Ms Gold of College and Shields LLP, solicitors. The Respondent was on the call in-person.

- Findings in Fact

The Respondent confirmed that she did not dispute the factual basis of the application. The following facts, as set out in it, were relied upon by the Tribunal in making its decision:

1. The Respondent let the Property from Mr and Mrs Watson in terms of a short assured tenancy agreement with an initial term of six months, commencing 1 December 2011.
2. In terms of the agreement, termination of the lease could be effected by either party giving two months' notice to the other.
3. Following its initial term, the lease ran on by agreement on a month-to-month basis, until 1 September 2024.
4. That termination was effected by the landlords sending notice to quit on 17 May 2024, along with notice that they required possession of the Property at termination, in terms of s.33(1)(d) of the Housing (Scotland) Act 1988 ('the Act').
5. The landlords wish to sell the Property and retire from being landlords, for health reasons.
6. The Respondent is looking for alternative accommodation; but cannot be prioritised for support from her local authority unless an order for possession is granted.

- Reasons for Decision

7. The tenancy has reached its end and tacit relocation is not operating. The notice required by s.33(1)(d) of the Act was served. It is reasonable for an order for possession to be granted. The landlords wish to sell the Property

and, on the face of it, it is reasonable for them to be allowed to do so. Overall, the granting of an order actually benefits the Respondent in helping her to secure alternative accommodation. The requirements of s.33 of the Act are therefore met and an order should be granted.

- Decision

**Order for possession granted.**

**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.

Nairn Young

12<sup>th</sup> of August 2025

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Legal Member/Chair

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Date