



**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/24/3150

**Re: Property at 211 The Moorings, Dalgety Bay, Dunfermline, KY11 9GX (“the
Property”)**

Parties:

**Mrs Christine Drummond, Saudi Aramco, PO Box 11921, Dhahran, Saudi Arabia
 (“the Applicant”)**

**Mr Robert McTavish, 211 The Moorings, Dalgety Bay, Dunfermline, KY11 9GX
 (“the Respondent”)**

Tribunal Members:

Nairn Young (Legal Member) and Ahsan Khan (Ordinary Member)

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 the Applicant in terms of a short assured tenancy agreement. It called for case management discussion (‘CMD’) at 10am, by teleconference. The Applicant was on the call and was represented by Mr Martin Urquhart of DJ Alexander. The Respondent was represented on the call by Ms Magdalena Johnston, of Frontline Fife.

- Findings in Fact

The Respondent's representative confirmed that he did not take issue with the principal facts as set out in the application. The following of these were relied upon by the Tribunal in making its decision:

1. The Respondent let the Property from the Applicant in terms of a short assured tenancy agreement with an initial term of one year, commencing 27 August 2009.
2. Following its initial term, the lease was specified to run on month to month, until terminated by either party.
3. That termination was effected on 27 June 2024 by the Applicant serving notice to quit on 22 April 2024, along with notice that he required possession of the Property at termination, in terms of s.33(1)(d) of the Housing (Scotland) Act 1988 ('the Act').
4. The Applicant wishes to move in to the Property with her husband, to retire and, more particularly, for her husband to receive healthcare that he requires with some urgency.
5. The Respondent is himself elderly and suffers from poor health.
6. The Respondent is receiving help to secure alternative accommodation from Frontline Fife and from Hanover Scotland.

- 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 Respondent has lived at the Property for a considerable time and will be prejudiced by having to leave it and secure alternative accommodation. This is exacerbated by his age and general

health. On the other hand, the Applicant and her husband need to move back to Scotland in order for the latter to receive the healthcare that he requires. The tenancy was a short assured tenancy and therefore could not have been entered into with any expectation of security of tenure beyond its initial term. Weighing these factors, the Tribunal considered it would not be reasonable to expect the Applicant to look for alternative accommodation in Scotland to meet her and her husband's needs, in order to avoid the difficulty her recovery of possession of the property she owns here will engender for the Respondent. Both parties were in agreement that the order should not be enforced prior to 2 September 2025, to allow the Respondent time to arrange his affairs.

8. The requirements of s.33 of the Act are therefore met and an order in the terms agreed 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.

Legal Member: N Young

Date: 11 July 2025

