

Housing and Property Chamber
First-tier Tribunal for Scotland



**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 (Act)**

Chamber Ref: FTS/HPC/EV/25/0900

Re: Property at 17 Tobermory Avenue, Kilmarnock, KA3 1PB (“the Property”)

Parties:

**Mr Kevin Miller, 101 Antonine Gardens, Hardgate, Clydebank, Glasgow, G81 6BQ
 (“the Applicant”)**

**Ms Louise Stevenson, 17 Tobermory Avenue, Kilmarnock, KA3 1PB (“the
Respondent”)**

Tribunal Members:

Alan Strain (Legal Member) and Sandra Brydon (Ordinary Member)

Decision (in absence of the Respondent)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that the application for eviction and recovery of
possession be granted.**

This is an application under section 33 of the Act and Rule 66 of the First-tier Tribunal
for Scotland Housing and Property Chamber (Procedure) Regulations 2017
(**Regulations**) in respect of the termination of a Short-Assured Tenancy (**SAT**).

The Tribunal had regard to the following documents lodged in advance of the Hearing:

1. Application received 27 February 2025;
2. SAT commencing 20 June 2016;
3. Notice to Quit dated 18 September 2024;
4. Section 33 Notice dated 18 September 2024;
5. Email serving Section 33 Notice and Notice to Quit dated 18 September 2024;
6. Section 11 Notice and email serving on local authority dated 26 February 2025.

Case Management Discussion (CMD)

The case called for a CMD by conference call on 9 September 2025. The Applicant did not participate but was represented by his letting agent, Ms Alison Wright. The Respondent did not participate and was not represented.

The Tribunal delayed the start of the CMD to see if the Respondent would participate but she did not.

The Tribunal were satisfied that the Respondent had received notification of the Case Management Discussion and that the Tribunal could determine the matter if it considered it had sufficient information to do so and the procedure was fair. The notification also advised the Respondent that she should attend and the Tribunal could determine the matter in absence if she did not.

The Tribunal decided that it was fair and reasonable to proceed in the Respondent's absence.

Ms Wright informed the Tribunal that she had spoken with the Respondent yesterday. The Respondent had told her that she did not intend to participate in the CMD.

In so far as she was aware Ms Wright set out the Respondent's circumstances.

The Respondent's circumstances

The Respondent lives in the Property along with her partner and 3 children aged 4, 6 and 9. Both The Respondent and her partner work full time. No-one in the Property is vulnerable or disabled to Ms Wright's knowledge.

The Respondent intends to move in with her mother.

The Respondent had been discussing the potential purchase of the Property from the Applicant but had been unable to get a mortgage.

The Applicant's position

The Applicant is in full time employment and lives in his own home with his family. This is the only Property he lets and he has little equity in it. He needs to sell the Property to alleviate financial pressures on him and his family.

Decision and Reasons

The Tribunal considered the oral and documentary evidence from the Parties. In so far as material the Tribunal made the following findings in fact:

1. The Parties let the subjects under a SAT commencing 20 June 2016;
2. Notice to Quit and Section 33 Notice had been served on 18 September 2024;
3. Section 11 Notice had been served on the local authority on 26 February 2025;
4. The SAT had reached its end and had been terminated;
5. Tacit relocation was no longer operating;

6. No further contractual tenancy was in existence;
7. The Applicant had given the Respondent notice that he required possession;
8. The Applicant required to recover possession of the Property to sell it and realise the capital to alleviate financial pressures;
9. The Respondent intended to move in with her mother, was well aware of the CMD and had informed Ms Wright that she did not intend to participate.

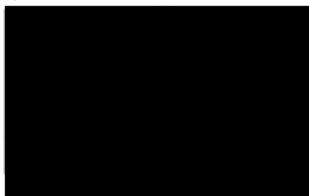
The Tribunal considered all of the evidence and submissions. The Tribunal did not require to hear any further evidence, had sufficient information to make a Decision and considered it fair to do so.

The Tribunal were satisfied that Rule 66 had been complied with.

The Tribunal were aware that it had to be satisfied that it was reasonable in the circumstances to grant the order sought. The Tribunal considered the interests of the Parties and determined that it would be reasonable to grant the order sought in the circumstances. The Respondent clearly did not wish to defend the application and had made arrangements for alternative accommodation. The Applicant needed to sell the Property to alleviate financial pressure on him and his family.

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/Chair

9 September 2025

Date