

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/24/5030

**Re: Property at 10 Churchill Crescent, St. Andrews, Fife, KY16 8EF (“the
Property”)**

Parties:

**Mr Martin Edward, Ms Karen Edward, 34 Woodside Road, Elie, Fife, KY9 1DU; 41
High Street, Pittenweem, Fife, KY10 2PG (“the Applicant”)**

**Ms Melanie Edward, 10 Churchill Crescent, St Andrews, Fife, KY16 8EF (“the
Respondent”)**

Tribunal Members:

Alan Strain (Legal Member) and Gerard Darroch (Ordinary Member)

Decision

**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 1 November 2024;
2. AT5;
3. SAT commencing 1 October 2010;
4. Notice to Quit dated 16 August 2024;
5. Section 33 Notice dated 16 August 2024;
6. Royal mail Track and Trace Receipt for Notices dated 22 August 2024;
6. Section 11 Notice and email serving on local authority dated 1 November 2024.

Case Management Discussion (CMD)

The case called for a CMD by conference call on 17 September 2025. The Second Named Applicant participated and represented the Applicant. The Respondent also participated and represented herself.

The Respondent informed the Tribunal that she did not oppose the application and had been offered a house with Kingdom Housing which she had accepted.

The Applicant's position

The Applicant is the 2 executors of the late landlord's estate who wish to sell the Property with vacant possession.

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 1 October 2010;
2. Notice to Quit and Section 33 Notice had been served on 22 August 2024;
3. Section 11 Notice had been served on the local authority on 1 November 2024;
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 possession was required;
8. The Applicant required to recover possession of the Property to sell it and realise the capital for the estate;
9. The Respondent had been offered alternative housing which she had accepted and did not oppose the application.

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 realise the capital for the estate.

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.

Alan Strain

17 September 2025

Legal Member/Chair

Date