



**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/25/2039

Re: Property at 8A Nightingale Place, Johnstone, PA5 0TB (“the Property”)

Parties:

**Dr Chris Woodcock, Mrs Angela Woodcock, Sycamore Cottage, Willow Pit Lane,
Derby, DE65 5FN (“the Applicants”)**

**Miss Nicola Ainsworth, 8A Nightingale Place, Johnstone, PA5 0TB (“the
Respondent”)**

Tribunal Members:

Ms H Forbes (Legal Member) and Mr T Cain (Ordinary Member)

Decision (in absence of the Respondent)

**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 Applicants are seeking an order for possession in terms of section 33 of the Housing (Scotland) Act 1988 (“the Act”). The Applicants’ representative lodged a short assured tenancy agreement commencing on 27th March to 27th September 2014 and monthly thereafter, Form AT5, rent statement, section 11 notice with evidence of service, notice to quit and section 33 notice with evidence of service, and pre-action requirement correspondence.
2. The Application and notification of a Case Management Discussion were served on the Respondent personally by Sheriff Officer on 2nd October 2025.
3. On 22nd October 2025, the Applicants’ representative lodged an updated rent statement showing arrears in the sum of £8777.80. An impact statement was also lodged on behalf of the Applicants.

Case Management Discussion

4. A Case Management Discussion (“CMD”) took place by telephone conference on 10th November 2025. The Applicants were not in attendance and were represented by Ms Deans, Emmerson Homes. The Respondent was not in attendance.
5. The Tribunal considered the terms of Rule 29. The Tribunal determined that the requirements of Rule 17(2) had been satisfied in respect of the Respondent. The Tribunal considered it was appropriate to proceed with the application in the absence of the Respondent.
6. Ms Deans outlined the background to the application. The arrears are now £9447.80. No rent has been paid by the Respondent since September 2024. The Respondent has been contacted regularly with fortnightly phone calls and emails, and monthly letters regarding the arrears. The Respondent has been visited by the letting agent. The Respondent always claims to be in discussion with Universal Credit, and says she is getting matters sorted. There have been rent arrears in the past, which have been addressed. The Applicants have attempted to get rent paid directly by Universal Credit but this has been refused.
7. Responding to questions from the Tribunal, Ms Deans was unaware of the level of mortgage on the Property or the monthly payments. Ms Deans was unaware of whether the Applicants have any other rental properties. She was aware that there was one other property that was sold in the past.
8. Responding to questions from the Tribunal, Ms Deas said she was unsure of the Respondent’s employment status. Ms Deans said the Respondent has three children, two of whom are under sixteen. The Respondent has been in and out of college, which may have affected her benefit position. Ms Deans was unaware of any social or health issues pertaining to the Respondent or her family. There is currently a Right of Entry application as entry for inspection and certification purposes has been refused by the Respondent. The Property is not thought to be in a good state.

Findings in Fact and Law

9.
 - (i) Parties entered into a short assured tenancy agreement with the Applicant commencing on 27th March 2014 to 27th September 2014, and monthly thereafter.
 - (ii) Notice to Quit and Section 33 Notice were served on the Respondent.
 - (iii) The short assured tenancy has reached its ish date.
 - (iv) The contractual tenancy terminated on 27th March 2025.

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

Reasons for Decision

10. 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.
11. The contractual tenancy has been terminated, and tacit relocation is not in operation. The Applicants have given the Respondent notice that they require possession of the Property.
12. In considering whether it was reasonable to grant the order for possession, the Tribunal considered the circumstances of both parties.
13. The Applicants are suffering financially and personally due to the Respondent's failure to pay the rent. The arrears are significant and rising. The Respondent is not engaging with the Applicants or their representative to address the arrears. The Applicants have previously supported the letting agent to work with the Respondent to resolve issues with rent arrears. The Respondent has been provided with pre-action correspondence in an attempt to address matters and to provide advice. The Tribunal considered that not granting an order would likely lead to an increase in the arrears, and further hardship and distress for the Applicants.
14. The Respondent did not attend the CMD or make any representations. The Tribunal considered that granting an order for possession may have a significant impact upon the Respondent and her children, but in the absence of any representations from the Respondent, it was impossible for the Tribunal to make any findings in this regard. It would appear that the tenancy is not sustainable, as no rent has been paid for over a year.
15. 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.

Decision

16. 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 15th December 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.

H Forbes

Legal Member/Chair

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10th November 2025
Date