



**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/25/1855

**Re: Property at 18 Fullarton Court, Kilmarnock, East Ayrshire, KA1 2QG (“the
Property”)**

Parties:

**Mr Steve Lampshire, 6 Margaret Rose Loan, Fairmilehead, Edinburgh, EH10 7EQ
 (“the Applicant”)**

**Mr Grant McGougan, Miss Lauren McDermont, 18 Fullarton Court, Kilmarnock,
East Ayrshire, KA1 2QG (“the Respondents”)**

Tribunal Members:

Nicola Irvine (Legal Member) and Ahsan Khan (Ordinary Member)

Decision

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that the Applicant is entitled to the Order sought for
recovery of possession of the property.**

Background

1. The Applicant submitted an application under Rule 66 of the Housing & Property Chamber Procedure Regulations 2017 (“the Rules”) for an order to evict the Respondents from the property.
2. A Convenor of the Housing and Property Chamber (“HPC”) having delegated power for the purpose, referred the application under Rule 9 of the Rules to a case management discussion (“CMD”).
3. Letters were issued on 1 October 2025 informing both parties that a CMD had been assigned for 11 November 2025 at 2pm, which was to take place by

conference call. In that letter, the parties were also told that they were required to take part in the discussion and were informed that the Tribunal could make a decision on the application at the CMD if the Tribunal has sufficient information and considers the procedure to have been fair. The Respondents were invited to make written representations by 22 October 2025. No written representations were received by the Tribunal.

The case management discussion – 11 November 2025

4. The CMD took place by conference call. The Applicant was represented by Miss Millie Archibald, solicitor. The First Respondent joined the call and represented both respondents. The Tribunal explained the purpose of the CMD.
5. The Applicant's representative explained that the Applicant owns 3 other let properties. The costs associated with being a private landlord have increased and the Applicant intends to sell all of his let properties and to cease activity as a landlord. The basis upon which recovery of possession was sought is that by operation of section 33, the tenancy has been brought to an end at the ish date.
6. The Respondents did not oppose the application but they do not have alternative accommodation to go to. The First Respondent is in employment and the Respondents have a 14 year old son. The Respondents wish to obtain alternative accommodation nearby, so that their son can continue his education at his current school. They have been in touch with the local authority but have not been given any priority to be rehomed. The Respondents would like more time to look for and secure alternative accommodation if an order is granted.

Findings in Fact

7. The Applicant is the owner and landlord of the Property at 18 Fullarton Court, Kilmarnock, East Ayrshire, KA1 2QG
8. The Respondents are the tenants of the Property.
9. The tenancy in question is a short assured tenancy which commenced on 7 April 2017. The tenancy has continued on a month to month basis following the expiry of the fixed term.
10. The Applicant served Notice to Quit and Notice in terms of Section 33 of the Housing (Scotland) Act 1988 on the Respondents by sheriff officer on 3 February 2025.
11. On 30 April 2025 the Applicant applied to the Tribunal for an order for possession based on the operation of section 33 of the Housing (Scotland) Act 1988.
12. The short assured tenancy had reached its ish.

13. Tacit relocation was not operating.
14. No further contractual tenancy was operating.

Reason for Decision

15. The Tribunal was satisfied that it could make relevant findings in fact in order to reach a decision following the CMD, and that to do so would not be contrary to the interests of the parties in this case.
16. The Tribunal proceeded on the basis of the documents lodged and the information provided at the CMD. The Applicant served a notice to quit and a notice in terms of section 33 of the Housing (Scotland) Act 1988. The conditions of section 33 had been satisfied in respect that the tenancy had reached its end, tacit relocation was not operating and no further contractual tenancy was in operation. The Respondents did not oppose the application although they do not have alternative accommodation. The Tribunal was persuaded that it was reasonable to grant an order for eviction.
17. The Respondents have not yet secured alternative accommodation. They have applied for accommodation with the local authority but they have not been given any priority. The Tribunal had no information about the Applicant's circumstances, beyond that he wishes to sell the Property and cease activity as a landlord. The Tribunal exercised its discretion and extended the period for notice of removal by a period of 4 months. In light of the Tribunal's decision to extend the time limit for enforcement of the order, the Tribunal expects that the local authority will offer suitable permanent housing to the Respondents under the homelessness legislation, taking into account the location of their child's school, without the need for a period in temporary accommodation.

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.

Nicola Irvine

Legal Member/Chair

Date: 11 November 2025