

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**

Chamber Ref: FTS/HPC/EV/25/2419

Re: Property at 60 Sinclair Avenue, Glenrothes, Fife, KY6 1BB ("the Property")

Parties:

Mrs Annielle Chan Sewlan Lafong, 3 Colinton Court, Glenrothes, Fife, KY6 3PE ("the Applicant")

Ms Ashley Gourlay, 60 Sinclair Avenue, Glenrothes, Fife, KY6 1BB ("the Respondent")

Tribunal Members:

Gillian Buchanan (Legal Member) and Frances Wood (Ordinary Member)

Decision

At the Case Management Discussion ("CMD"), which took place by telephone conference on 27 October 2025, the Applicant was not in attendance but was represented by Ms Jemma Forbes of Innes Johnston. The Respondent was also present.

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that -

Background

The Tribunal noted the following background:-

- i. The Applicant is the heritable proprietor of the Property.
- ii. The Applicant leased the Property to the Respondent in terms of a Short Assured Tenancy Agreement ("the SAT") that commenced on 29 March 2015.
- iii. The initial term of the tenancy was for the period to 30 September 2015 and the tenancy has continued thereafter on a month to month basis per the SAT.
- iv. On 26 February 2025, the Applicant's agent served on the Respondent by Sheriff Officers a Notice to Quit and a Notice under Section 33 of the Housing (Scotland) Act 1988 requiring the Respondent remove from the Property by 30 April 2025.
- v. The Applicant's agent has served on Fife Council a Notice under Section 11 of the Homelessness etc (Scotland) Act 2003.

The/

The CMD

At the outset of CMD Ms Forbes for the Applicant confirmed that an eviction order was still being sought.

Under questioning from the Tribunal the Respondent made the following oral submissions:-

- i. Fife Council will not prioritise the Respondent's housing application until an eviction order is granted.
- ii. She is in dialogue with a named person at Fife Council and is seeking a two bedroomed house in Glenrothes.
- iii. The Respondent lives in the Property with her 16 year old son. He is in 5th year at school and has autism and ADHD. These conditions are being taken into account by Fife Council in the Respondent's housing application.
- iv. Rents in the private sector have doubled so she can only move to Council accommodation.
- v. The Respondent is in employment working 20 hours per week as an Early Years Officer.
- vi. She has discussed with Fife Council the timescales relative to an eviction order being granted.
- vii. The Applicant has been a great landlord and she would welcome enforcement of the eviction order being suspended for an extended period of time.

Ms Forbes for the Applicant made the following oral submissions:-

- i. The Respondent has been a good tenant over the years.
- ii. The Applicant would not seek to evict the Respondent over the festive period.
- iii. Whilst Ms Forbes has no instructions relative to the enforcement of an eviction order being delayed there is no significant urgency in possession of the Property being recovered.
- iv. The Applicant is 74 years of age and has health issues. She is not able to continue as a landlord.

The Tribunal adjourned briefly to consider their determination.

Reasons for Decision

There are no factual matters of dispute between the parties. The Respondent confirmed the granting of an eviction order is not opposed.

The application proceeds upon Section 33 of the 1988 Act.

Section 33 states:-

"Recovery of possession on termination of a short assured tenancy.

(1) Without prejudice to any right of the landlord under a short assured tenancy to recover possession of the house let on the tenancy in accordance with sections 12 to 31 of this Act, the First-tier Tribunal may make an order for possession of the house if the Tribunal is satisfied—

(a) that the short assured tenancy has reached its ish;

(b) that tacit relocation is not operating;

(d) that the landlord (or, where there are joint landlords, any of them) has given to the tenant notice stating that he requires possession of the house, and

(e) that it is reasonable to make an order for possession.”

The Tribunal is satisfied that the SAT has reached its decision and that tacit relocation is not operating.

The Tribunal is also satisfied that the Applicant has given proper notice to the Respondent that she requires possession of the Property having regard to the terms of Section 33(2).

The Tribunal requires to be satisfied that it is reasonable to issue an eviction order in terms of sub-paragraph 1(e). The Tribunal accepted the Applicant's stated intention to sell the Property. She is 74 years of age and has health issues. She bought the Property as an investment and is no longer able to continue as a landlord in the private sector.

It is reasonable to grant an eviction order particularly given that the granting of an order is not opposed by the Respondent whose application to Fife Council for accommodation will be prioritised only after an eviction order is granted.

Having reached the decision to grant an eviction order the Tribunal carefully considered whether to delay the execution of the eviction order in terms of Rule 16A(d) of the First-tier Tribunal Housing and Property Chamber Rules of Procedure 2017. The Tribunal concluded that it is reasonable to provide the Respondent with an extended period of time to secure alternative accommodation given the health conditions from which her son suffers and that the festive period is only 2 months away. Ms Forbes accepted that there is no significant urgency for the Applicant to sell the Property. Accordingly, the Tribunal determined that the order cannot be enforced until 12noon on 16 January 2026.

Decision

The Tribunal grants an eviction order against the Respondent in favour of the Applicant suspended to 16 January 2026.

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.

Gillian Buchanan

Legal Member/Chair

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27 October 2025
Date