

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/25/1999

**Re: Property at 5/4 Symon Tower, Seaton Place, Falkirk, FK1 1TQ (“the
Property”)**

Parties:

Mrs Lorraine Riggs, 55 Slamannan Road, Falkirk, FK1 5NF (“the Applicant”)

**Derek Daisley, 5/4 Symon Tower, Seaton Place, Falkirk, FK1 1TQ (“the
Respondent”)**

Tribunal Members:

Ms H Forbes (Legal Member) and Mrs F Wood (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 Applicant is seeking an order for possession in terms of section 33 of the Housing (Scotland) Act 1988 (“the Act”). The Applicant representative lodged a short assured tenancy agreement commencing on 8th June 2008 to 7th June 2009, with a continuation of tenancy from 7th June 2009 to 6th June 2010 and monthly thereafter, Form AT5, section 11 notice with evidence of service, notice to quit and section 33 notice with evidence of service, and evidence of intention to sell the Property.
2. The Application and notification of a Case Management Discussion were served on the Respondent by Sheriff Officer on 7th November 2025.

Case Management Discussion

3. A Case Management Discussion (“CMD”) took place by telephone conference on 8th January 2026. The Applicant did not initially join the call, and the Respondent was not in attendance. The Tribunal Clerk contacted the

Applicant, who joined the call. The Applicant said she had not received service of the case papers and notification of the CMD. The Applicant confirmed she was content to continue with the CMD despite the lack of notification.

4. The Tribunal considered the terms of Rule 29. The Tribunal determined that the requirements of Rule 17(2) had been satisfied, and it was appropriate to proceed with the application in the absence of the Respondent.
5. The Applicant explained the background to the application. The Applicant's husband is now retired and is no longer able to assist in letting out the Property. The Respondent has lived in the Property since 2008 and was single at the commencement of the tenancy. The Respondent subsequently married, and he and his wife lived in the Property. Since the application was made, the Respondent has suffered the sudden loss of his wife. The Applicant said the Respondent suffers from ill-health. The Applicant said the Respondent is keen to leave the Property, and the Applicant believes the Respondent has been allocated a council tenancy. However, the Respondent has not been able to move into the council property due to unexpected and extensive works that have been required to the property. The Applicant was not aware of a date on which the council property would be suitable for habitation. The Applicant said they served the current notices almost a year ago. The Respondent is now in rent arrears. The Applicant said she now feels stuck in a situation over which she has no control.

Findings in Fact and Law

6.
 - (i) Parties entered into a short assured tenancy agreement with the Applicant commencing on 8th June 2008 to 7th June 2009, with a continuation of tenancy from 7th June 2009 to 6th June 2010, 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 6th May 2025.
 - (v) Tacit relocation is not in operation.
 - (vi) The Applicant has given the Respondent notice that they require possession of the Property.
 - (vii) It is reasonable to grant the order for possession.

Reasons for Decision

7. 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.
8. The contractual tenancy has been terminated and tacit relocation is not in operation. The Applicant has given the Respondent notice that they require possession of the Property.
9. In considering whether it was reasonable to grant the eviction order, the Tribunal considered the circumstances of both parties.
10. The Applicant no longer wishes to let the Property due to her husband's retirement and inability to assist with letting the Property. The written representations from the Applicant indicate that the Applicant wishes to sell the Property to release capital for family matters.
11. The Respondent did not attend the CMD or submit any representations. The Tribunal accepted the representations put forward by the Applicant that the Respondent wishes to leave the Property and has been allocated council housing, albeit entry has been delayed indefinitely.
12. In all the circumstances, the Tribunal considered it was reasonable to grant the order sought.

Decision

13. 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 9th February 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.

H. Forbes

Legal Member/Chair

6th November 2025
Date