



**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 (“the Act”)**

Chamber Ref: FTS/HPC/EV/25/2919

Re: Property at Pityot Cottage, Muchalls, Stonehaven, AB39 3RR (“the Property”)

Parties:

Trustees of the Aberdeen Endowments Trust, 19 Albert Street, Aberdeen, AB25 1QF (“the Applicant”)

Mr George Addison, latterly residing at Pityot Cottage, Muchalls, Stonehaven, AB39 3RR and whose current whereabouts are to the applicant unknown (“the Respondent”)

Tribunal Members:

Jim Bauld (Legal Member) and Elizabeth Dickson (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application for the order for possession should be granted

Background

1. By application dated 7 July 2025, the applicant sought an order under section 33 of the Housing (Scotland) Act 1988 (“the Act”) and in terms of rule 66 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017.

2. On 29 July 2025 the application was accepted by the tribunal and referred for determination by the tribunal.
3. A Case Management Discussion was set to take place on 13 January 2026, and appropriate intimation of that hearing was given to both the landlord and the tenants.

The Case Management Discussion

4. The Case Management Discussion (CMD) took place on 13 January 2026. The applicant was represented by Ms. Joanne Mirtchell, solicitor, Ledingham Chalmers, Aberdeen. The respondent was not present
5. The tribunal explained the purpose of the CMD and the powers available to the tribunal to determine matters

Discussions at CMD

6. The tribunal asked various questions of the applicant's solicitor with regard to the application
7. In answer to the questions posed by the tribunal, it was confirmed the respondent was the tenant of the property and that the relevant notices had been served and received. The applicant believes that the respondent has now vacated the property. They carried out a substantial cleaning operation at the property on 17 November 2025. The Applicant's letting agents have written to the respondent on numerous occasions over the last few months and the respondent has not contacted them. Neighbours have indicated that the respondent has not been seen at the property for a number of months. Significant rent arrears have accrued, amounting to £4,169 at the date of the hearing
8. The tribunal explained that the only matter which appeared to require to be determined was whether it was reasonable to grant the order

Findings in Fact

9. The applicant and the respondent are respectively the landlord and the tenant of the property by means of a tenancy agreement originally commencing on 1 November 2001.

10. The tenancy was a short assured tenancy in terms of the Act
11. The rent payable was initially £285 per month and was now £513 per month.
12. On 11 March 2025 the applicant's agent served upon the respondent a notice to quit and a notice in terms of section 33 (1) (d) of the Act. These notices were served on the respondent by sheriff officers. Said notices became effective on 1 June 2025.
13. The notices informed the respondent that the applicant wished to seek recovery of possession using the provisions of section 33 of the Act.
14. The notices were correctly drafted and gave appropriate periods of notice as required by law.
15. The respondent has accrued rent arrears of £4,169 as at 13 January 2026.
16. The respondent has neglected the interior of the property to the extent that the applicant required to instruct contractors to attend on 17 November 2025 to carry out a cleaning and fumigation of the property and to remove various items of rubbish.
17. The basis for the order for possession was accordingly established

Decision and reasons

18. When the 1988 Act was originally passed, the eviction process under section 33 was mandatory. The tribunal was required by law to grant the eviction order if satisfied that the required notices in terms of that section had been served upon the tenant.
19. Since 7 April 2020, in terms of changes initially made by the Coronavirus (Scotland) Act 2020 and then by the Coronavirus (Recovery and Reform) (Scotland) Act 2022, an eviction order on this basis can only be granted if the Tribunal is satisfied that it is reasonable to issue an eviction order

20. In determining whether it is reasonable to grant the order, the tribunal is required to balance all the evidence which has been presented and to weigh the various factors which apply to the parties

21. The Tribunal has a duty, in such cases, to consider the whole of the circumstances in which the application is made. It follows that anything that might dispose the tribunal to grant the order or decline to grant the order will be relevant. This is confirmed by one of the leading English cases, **Cumming v Danson**, ([1942] 2 All ER 653 at 655) in which Lord Greene MR said, in an oft-quoted passage:

[I]n considering reasonableness ... it is, in my opinion, perfectly clear that the duty of the Judge is to take into account all relevant circumstances as they exist at the date of the hearing. That he must do in what I venture to call a broad commonsense way as a man of the world, and come to his conclusion giving such weight as he thinks right to the various factors in the situation. Some factors may have little or no weight, others may be decisive, but it is quite wrong for him to exclude from his consideration matters which he ought to take into account".

22. In this case the tribunal finds that it is reasonable to grant the order.

23. The tribunal accepts that the tenant appears to have abandoned the property. He has accrued significant rent arrears and has neglected the interior of the property to the extent that the applicant required to carry out an extensive cleaning process in November 2025. The respondent is a single man with no known dependents. His employment status is unknown to the applicant. There is no indication that he has any major health issues.

24. The respondent has failed to communicate with either the applicant, their letting agent or the tribunal and has failed to provide any representations or evidence to indicate any reason why the order sought should not be granted

25. The balance of reasonableness is weighted towards the applicant in this application

26. The tribunal also exercised the power within rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 and determined that a final order should be made at the CMD.

Decision

The order for recovery of possession is granted.

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.

Jim Bauld

Legal Member/Chair

13 January 2026
Date