

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 18(1) of the Housing (Scotland) Act 1988

Chamber Ref: FTS/HPC/EV/25/2232

Re: Property at Flat 3/2, 21 East Princes Street, Helensburgh, G84 8AN (“the Property”)

Parties:

The John Dobbie Foundation, C/o McArthur Stanton, 15-17 Colquhoun Street, Helensburgh, G84 8AN (“the Applicant”)

Mr Mark Sharkey, Flat 3/2, 21 East Princes Street, Helensburgh, G84 8AN (“the Respondent”)

Tribunal Members:

Mark Thorley (Legal Member) and Ahsan Khan (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to grant an Order of Eviction of the Respondent from the Property at Flat 3/2, 21 East Princes Street, Helensburgh, G84 8AN.

- **Background**

1. The Applicant applied to the First-Tier Tribunal of Scotland by way of application initially dated 20 May 2025. The application was subsequently and finally dated 30 June 2025.
2. That application was accompanied by several documents, which included a Notice to Quit and Section 33 Notice, Sheriff Officers’ invoice confirming service of the Notice, Short Assured Tenancy, Section 11 Notice, confirmation of Section 11 Notice sent to the local authority and also to the Respondent.
3. The application was accepted for determination on 22 July 2025.

4. The application was served by Sheriff Officer on the Respondent by depositing it on 31 October 2025.
5. The Respondent wrote in to the Tribunal by email dated 18 November 2025, setting out his opposition to the grounds.

- **The Case Management Discussion**

1. At the case management discussion, Ms Bowe attended on behalf of the Applicant. There was no appearance by or for the Respondent.
2. The Applicant's agent acknowledged that there was no supportive documentation in connection with Grounds 14 or 15. She had however visited the property. She was able to provide information surrounding that visit.
3. The Section 33 Notice had been correctly undertaken. The issue came then down to one of reasonableness. The Respondent had set out that he suffered from atrial fibrillation and was not working at present. It was noted that this property was on the third floor of a block of flats.
4. Standing that the Respondent did not attend, no further information could be obtained.
5. The Tribunal considered the issue of reasonableness. The Respondent was a charitable institution. They wanted to recover the Property to re-let it. It was a property that was let on a discounted rent.
6. The Tribunal acknowledged and concluded that the procedure for the Section 33 Notice had been set out correctly. Little was said in relation to the issue of reasonableness, apart from that the Respondent had a medical condition. It was understood that he lived alone. It was understood that he certainly had previously had a job. He still appeared to have or be in possession of a motor vehicle.
7. The Tribunal concluded that it was reasonable in the circumstances that the Respondent be evicted. He was a single man in his 50s. Although he had a heart condition, this did not prevent him obviously getting to and from a third floor property. He appeared to be able to drive. He certainly had been working in the past. There was nothing that indicated that he required this property or that the Order for Eviction should not be granted.

- **Decision**

1. To grant an Order of Eviction.

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.

Mark Thorley

05 January 2026

Date