



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/25/2071

Re: Property at 35 Craigie Street, Ballingry, KY5 8NS (“the Property”)

Parties:

Mr Alan James Sambridge, 58 The Castings, Dunfermline, KY12 9AU (“the Applicant”)

Ms Lynn Taylor, 35 Craigie Street, Ballingry, KY5 8NS (“the Respondent”)

Tribunal Members:

Richard Mill (Legal Member) and Angus Lamont (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 eviction be granted against the respondent

Introduction

1. This application is under rule 66 and section 33 of the Housing (Scotland) Act 1988. The application seeks an eviction order. Intimation of the application and of the Case Management Discussion ('CMD') was served upon the respondent by Sheriff officers on 28 November 2025.
2. The CMD took place by teleconference on 23 January 2026 at 10.00 am. The applicant was represented by Ms Dorka Ilonka of Rollos Law. The respondent failed to participate in the hearing.

Findings and Reasons

3. The property is 35 Craigie Street, Ballingry KY5 8NS. The applicant is Mr Allan James Sambridge who is the heritable proprietor and registered landlord of the property. The respondent is Ms Lynn Taylor who is the tenant.

4. The parties entered into a short assured tenancy which first commenced on 1 June 2009. The respondent did have a joint tenant who is now deceased. An AT5 Notice under section 32 of the 1988 Act was served on the respondent prior to the creation of the tenancy.
5. On 4 June 2025 the applicant served upon the respondent a Notice to Quit. In the terms of the said Notice to Quit, the applicant gave notice to the respondent that she would require to remove from the property on or before 30 November 2024. Further, on 4 June 2025 the applicant served upon the respondent Notice under Section 33(1)(d) of the Housing (Scotland) Act 1988 stating that possession was required of the property as at 30 November 2024. The documents were served by Sheriff Officer on 4 June 2024. Sufficient notice was given.
6. The short assured tenancy between the parties has reached its end. Tacit relocation is not operating. No further contractual tenancy is in existence. The applicant has complied with the terms of Section 33(1)(d) of the Housing (Scotland) Act 1988. The tribunal requires to consider the reasonableness of the eviction order being granted.
7. The applicant seeks to evict the respondent on the grounds that he intends to sell the let property. He seeks to cease acting as a commercial landlord and wishes to retire. He has been reducing his rental portfolio since 2023. The tenancy was ended in late 2024 and the applicant has sought to assist the respondent in obtaining alternate accommodation and delayed the bringing of this eviction application.
8. The respondent has not opposed to the eviction application. She is known to be unemployed and resides in the property alone. She has no known disabilities or other vulnerabilities. A section 11 Notice under the Homelessness etc (Scotland) Act 2003 has been issued to Fife Council. In the event of an eviction order being made the local authority is under a statutory duty to make suitable alternative accommodation available.
9. The tribunal concluded that it was reasonable to grant the eviction order.

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.

Richard Mill

23 January 2026

Legal Member/Chair

Date

