



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/25/3683

Re: Property at 87 Inveraray Avenue, Glenrothes, KY7 4QP (“the Property”)

Parties:

Mrs Linda Bissett, Rhiannon, Balcurvie, Windygates, Fife, KY8 5DT (“the Applicant”)

Ms Lisa White and Mr Scott Leigh, 87 Inveraray Avenue, Glenrothes, KY7 4QP (“the Respondents”)

Tribunal Members:

Ms H Forbes (Legal Member) and Ms J Heppenstall (Ordinary Member)

Decision

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

The Tribunal granted an order to include Mr Scott Leigh as a Respondent in terms of Rule 32(1)(b) of the Procedural Rules.

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 10th April to 10th October 2010 and monthly thereafter, Form AT5, section 11 notice with evidence of service, notice to quit and section 33 notice with evidence of service.
2. The Application and notification of a Case Management Discussion were served on the Respondent, Ms White, by Sheriff Officer on 16th January 2026

Case Management Discussion

3. A Case Management Discussion (“CMD”) took place by telephone conference on 4th March 2026. The Applicant was in attendance. The Respondents were in attendance.
4. The Tribunal raised a preliminary issue in that Mr Leigh was not included in the application as a party and had not been served with the application. Mr Leigh confirmed that he is a joint tenant and that he had had sight of the application. Mr Leigh confirmed that he wished to be added as a party. The Tribunal agreed to add Mr Leigh as a party.
5. The Tribunal raised a preliminary issue in that the notice to quit had not been served to the ish date of the tenancy. The Respondents had been asked to leave by 4th August 2025. The ish date of the tenancy is the 10th of each month. The Applicant said a further notice to quit and section 33 notice had been served upon the Respondents in September 2025. The Respondents confirmed receipt of the notices. The Tribunal adjourned to allow the Applicant to contact her solicitor to request that the notices and evidence of service be emailed to the Tribunal. The required documents were received and passed to the Tribunal. The further notices were dated 1st and served 2nd September 2025 and required the Respondents to leave the Property by 10th November 2025.
6. The Applicant provided further details of her personal circumstances. She is required to leave her current residence and wishes to recover possession so she can reside in the Property.
7. The Respondents confirmed that they are not opposing the order. They have been in contact with the local authority and are satisfied they will receive an offer of social housing or temporary accommodation if the order is granted and they are deemed homeless. The Respondents will be discussing this with their housing officer following the CMD. The Respondents provided details of their personal and family circumstances. The Respondents said there were no medical, social or educational issues of which the Tribunal should be aware in considering reasonableness.

Findings in Fact and Law

8.
 - (i) Parties entered into a short assured tenancy agreement with the Applicant commencing on 10th April to 10th October 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 10th November 2025.
- (v) Tacit relocation is not in operation.
- (vi) The Applicant has given the Respondents notice that they require possession of the Property.
- (vii) It is reasonable to grant the order for possession.

Reasons for Decision

9. 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.
10. The Tribunal was satisfied that the notices served on 2nd September 2025 were valid. The contractual tenancy has been terminated, and tacit relocation is not in operation. The Applicant has given the Respondents notice that they require possession of the Property.
11. In considering whether it was reasonable to grant the eviction order, the Tribunal considered the circumstances of both parties.
12. The Applicant requires to reside in the Property due to her current situation.
13. The Respondents are not opposing the order and are seeking social housing. The local authority has a duty to provide accommodation to the Respondents if they are deemed to be homeless, which is the likely effect of the order for possession being granted. The Respondents are in regular contact with the local authority.
14. In all the circumstances, the Tribunal considered it was reasonable to grant the order sought.

Decision

15. 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 6th April 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.

Helen Forbes

Legal Member/Chair

4th March 2026
Date