



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 1988 Act”) and Rule 66 of The First-tier Tribunal for Scotland Housing and Property Chamber (Rules of Procedure) Regulations 2017 (“the 2017 Rules”)

Tribunal Ref: FTS/HPC/EV/25/2906

Property Address: Braehead Farmhouse, Keith, AB55 5NU (the Property)

Mr Alistair Watt, The Bungalow, Coldhome, Keith, AB55 5NX (the Applicant)

R & R Urquhart LLP, 117-121 High Street, Forres, Moray, IV36 1AB (the Applicant’s Representative)

Ms Gillian Ingram, present whereabouts unknown (the Respondent)

Tribunal Members:

Ms. Susanne L M Tanner K.C. (Legal Member)

Mrs. Mary Lyden (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the tribunal”):

(i) was satisfied in terms of Section 33 of the 1988 Act that the short assured tenancy for the Property has reached its end; tacit relocation is not operating; no further contractual tenancy (whether a short assured tenancy or not) is for the time being in existence; and that the Applicant has given to the Respondent two months’ notice stating that they require possession of the house; and that it was reasonable to make an order for possession in the circumstances of the case; and

(ii) made an order for possession in terms of Section 33 of the 1988 Act.

The decision of the tribunal was unanimous.

Statement of Reasons

1. The Applicant's Representative made an application to the tribunal on 4 July 2025, in terms of Section 33 of the Housing (Scotland) Act 1988 ("the 1988 Act") and Rule 66 of the First-tier Tribunal for Scotland Housing and Property Chamber (Rules of Procedure) Regulations 2017 ("the 2017 Rules").
2. The Applicant seeks the Respondent's eviction from the Property under Section 33 of the 1988 Act (possession on termination of a short assured tenancy).
3. The Applicant's Representative lodged supporting evidence for the application:
 - 3.1. Copy of a short assured tenancy agreement dated 3 and 29 October 2008;
 - 3.2. Form AT5 dated 25 September 2008;
 - 3.3. Letter from R & R Urquhart LLP to the tenant dated 17 December 2024;
 - 3.4. Duplicate letter from R & R Urquhart LLP to the tenant dated 17 December 2024;
 - 3.5. Affidavit of James Alexander Cameron Whittle dated 2 July 2025;
 - 3.6. Copy Notice to Quit to tenant dated 17 December 2024;
 - 3.7. AT6 dated 17 December 2024;
 - 3.8. Copy Section 33 Notice dated 17 December 2024;
 - 3.9. Copy Section 11 Notice to Moray Council dated 12 December 2024; and
 - 3.10. Unredacted bank statements for Royal Bank of Scotland Business Current Account for period September 2022 to May 2025; and
 - 3.11. Rent statement.
4. Further information was requested by an in house convenor of the tribunal from the Applicant's Representative and the Applicant's Representative provided:
 - 4.1. confirmation on 7 August 2025 that the Application was made under Rule 66 only (and not Rule 65);
 - 4.2. an email on 7 August 2025, providing information about service of notices by recorded delivery and duplicates served as detailed in the affidavit lodged with the application.
 - 4.3. Emails to Moray Council sending the section 11 notice;
 - 4.4. Confirmation on 11 August 2025 that the Applicant wished to continue with the present Application; and
 - 4.5. Withdrawal of unredacted bank statements.
5. The tribunal's administration obtained the title deeds for the property, which show that the Applicant is the proprietor of the Property.

6. The tribunal's administration checked registration details for the Property with Landlord Registration Scotland which show that the Applicant is the registered landlord.
7. The Application was accepted for determination and a Case Management Discussion (CMD) was fixed by teleconference on 18 February 2026 at 1400h.
8. On 5 January 2026, parties were notified by letter of the date, time and place of the CMD and told that they were required to attend. Parties were also advised in the same letter that the tribunal may do anything at a CMD which it may do at a hearing, including making a decision on the Application, which may involve making or refusing an eviction order. If parties do not attend the CMD this will not stop a decision or order being made by the tribunal if the tribunal considers that it has sufficient information before it to do so and the procedure has been fair. The Respondent was required to submit written representations in response to the Application to the tribunal's offices by 26 January 2026.
9. The Application paperwork and notification of the date, time and place of the CMD was served on the Respondents by Sheriff Officers on 8 January 2026.
10. The Respondent did not lodge any defence or written representations, or make any contact with the tribunal.

Case Management Discussion (CMD): 18 February 2026 at 1400h by teleconference

11. Mr Whittle, solicitor, from the Applicant's Representative attended on behalf of the Applicant, together with a colleague and the Applicant, Mr Watt.
12. The Respondent did not attend and did not make any contact with the tribunal. The tribunal was satisfied that the requirements of rule 24(1) of the 2017 Rules regarding the giving of notice of a hearing had been duly complied with and proceeded with the Application upon the representations of the party present and all the material before it.

Applicant's Representative's submissions

13. Mr Whittle said that he had been advised by Mr Watt that as at 8 January 2026 when the Sheriff Officers served the tribunal documents, the Respondent was still residing in the Property. He stated that she moved out of the Property on or about 4 February 2026. Some personal belongings including televisions and a mattress were left in the Property. She was issued with one key when she moved in and

after she moved out it was left outside the Property and retrieved by Mr Watt. Mr Watt believes that the Respondent may have moved in with her mother who resides nearby in Keith. Mr Whittle stated that the application for eviction is still insisted upon to provide surety on the part of the landlord, given that the Respondent has left belongings in the Property.

14. Mr Whittle stated that there are substantial rent arrears. He referred to the rent statement which was lodged with the application (Bundle, page 36) which showed £9,000.00 of rent arrears as at 20 June 2025. He stated that there has been no rent paid since then, so another 8 months of arrears have accrued at £400.00 per month. The total rent arrears is now £11,800.00. The Applicant made a previous civil application for rent arrears which was withdrawn. He intends to make a fresh civil application to seek the rent arrears once these eviction proceedings have been dealt with. In relation to the reason for the Respondent's rent arrears, Mr Whittle said that Mr Watt had been told by Ms Ingram that her bank account had been hacked which caused her some financial difficulties. The date of the hacking was not provided to the tribunal.
15. Mr Whittle said that it is understood that the Respondent is aged in her 50s. At the time that she took the lease in 2008, Mr Watt did not understand her to have any health issues. Mr Watt thinks that she may currently be suffering from some mental health issues. No further details were provided to the tribunal.
16. Mr Whittle said that Moray Council were notified of the eviction application by section 11 notice. Mr Watt understands that the Respondent has been in contact with Moray Council about re-housing.
17. The tribunal adjourned to consider the written and oral submissions and all the material before it.

18. The tribunal makes the following findings-in-fact:

- 18.1. The Applicant is the proprietor of the Property.
- 18.2. There was a short assured tenancy between the Applicant and the Respondents for the initial period from 20 October 2008 to 19 April 2009.
- 18.3. Thereafter the tenancy continued by tacit relocation on a two monthly basis and relocated until 19 February 2025.
- 18.4. The short assured tenancy reached its end on 19 February 2025, by service on behalf of the Applicant on the Respondents of a Notice to Quit dated

on 17 December 2024, notifying the Respondent that the tenancy would reach its termination date as at 19 February 2025.

- 18.5. Tacit relocation is no longer operating;
- 18.6. No further contractual tenancy is for the time being in existence.
- 18.7. A Section 33 notice was served on behalf of the Applicant on the Respondent on 17 December 2024, notifying the Respondent that the Applicant required vacant possession as at 19 February 2025.
- 18.8. The Applicant has given to the Respondent at least two months' notice stating that he requires possession of the Property.
- 18.9. The Application to the tribunal was made on 4 July 2025.
- 18.10. The Respondent moved out of the Property on or about 4 February 2026.
- 18.11. The Respondent has left belongings in the Property including televisions and a mattress.
- 18.12. The Respondent left one key for the Property outside the Property on or about 4 February 2026 and it was retrieved by the Applicant.
- 18.13. The Respondent has substantial rent arrears.
- 18.14. The Respondent has not paid any rent since March 2024.
- 18.15. The rent is £400.00 per calendar month.
- 18.16. The rent arrears are £11,800 as at 18 February 2026.

Discussion

19. No defence or written representations were lodged by the Respondent in response to the Application and she failed to attend the CMD.
20. The tribunal is satisfied that the requirements of Section 33 of the 1988 Act are met.
21. It appears that the Respondent has recently moved out of the Property on or about 4 February 2026 and that although she is residing with her mother, she may be seeking local authority re-housing. She may have mental health issues but no

details were available to the tribunal. She has not paid any rent since March 2024 and has substantial rent arrears.

22. The tribunal is satisfied that in all the circumstances and on the basis of the findings of fact, it is reasonable and to make an order for possession of the Property.

23. The tribunal made an order for possession.

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.

Ms. Susanne L M Tanner K.C.
Legal Member/Chair

Date: 18 February 2026