



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 (“1988 Act”)

Chamber Ref: FTS/HPC/EV/25/3754

Re: 258 Oldtown Road, Inverness, IV2 4PT
 (“the Property”)

Parties:

Mr Alan Reid, 40 Castle Heather Avenue, Inverness, IV2 4DR
 (“the Applicant”)

Mrs Maria Tunde Szucsne Szalma, 258 Oldtown Road, Inverness, IV2 4PT
 (“the Respondent”)

Tribunal Members:

Pamela Woodman (Legal Member) and Gerard Darroch (Ordinary Member)

Present:

The case management discussion took place at 2pm on Wednesday 8 April 2026 by telephone conference call (“**the CMD**”). The Applicant was present. The Respondent was present and was represented by Ron Mackenzie of Inverness Badenoch and Strathspey Citizens Advice Bureau. The clerk to the Tribunal was Eilidh Sweeten.

Decision

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

BACKGROUND

1. An application was made to the Tribunal under section 33 of the 1988 Act. The application was made in terms of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 which are set out in the schedule to The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017, as amended. More specifically, the application was made in terms of rule 66 (*Application for order for possession upon termination of a short assured tenancy*) of the HPC Rules.
2. The order sought was an order for possession of the Property.

3. A notice of acceptance of the application was issued by the Tribunal dated 29 October 2025 under rule 9 of the HPC Rules, which confirmed that the application paperwork had been received by the Tribunal between 2 and 23 September 2025.
4. The Respondent's representative provided written submissions in advance of the CMD by e-mail on 6 March 2026.
5. This decision arises out of the CMD.

PROCEEDINGS

6. The Respondent's representative confirmed that the Respondent was agreeable to an order for possession being granted but asked that there be a delay in its enforcement. He noted that The Highland Council had accepted that it had a duty to help the Respondent with homelessness from 1 April 2026 and that the Respondent's representative was working closely with The Highland Council on behalf of the Respondent and her child. He noted that the Respondent was keen to remain in the same locality as the Property and so there was a more limited choice of housing.
7. The Respondent's representative requested that the enforcement of any order for possession (if granted) should be delayed until the end of June 2026.
8. The Applicant noted that he intended to sell the Property because he needed to get his affairs in order and also because his 92-year-old mother (who lived some distance from him) required support from him.
9. The Applicant noted that the process had been ongoing for over a year and so wanted some form of conclusion in order that he may make plans. He confirmed that he would be agreeable to a delay in the ability to enforce any order for possession (if granted) to the end of June 2026.

FINDINGS IN FACT

10. The form AT5 dated 15 March 2017 appeared on the face of it to be valid and to have been served before the creation of the tenancy agreement. The term of the tenancy was for an initial term of over six months (from 17 March 2017 to 17 September 2017). Therefore, the Tribunal was satisfied, on the balance of probabilities, that the tenancy was a short assured tenancy as defined in section 32 of the 1988 Act.
11. The notice to quit dated 16 April 2025 brought the tenancy to an end on a possible ish date (namely 17 July 2025), allowed for an adequate period of notice and contained the information prescribed in The Assured Tenancies (Notices to Quit Prescribed Information) (Scotland) Regulations 1988. Accordingly, it met the requirements for a valid notice to quit.
12. The notice under section 33(1)(d) dated 16 April 2024 met the requirements of section 33(1)(d) of the 1988 Act and allowed for an adequate period of notice and so met the requirements for a valid section 33 notice.

13. A notice under section 11 of the Homelessness etc (Scotland) Act 2003 had been sent to the local authority.

REASONS FOR DECISION

14. Section 33(1) of the 1988 Act provides that "...the First-tier Tribunal may make an order for possession of the house if the Tribunal is satisfied –

- a. that the short assured tenancy has reached its finish;
- b. that tacit relocation is not operating;
- c. [REPEALED]
- d. that the landlord (or, where there are joint landlords, any of them) has given to the tenant notice stating that he requires possession of the house, and
- e. that it is reasonable to make an order for possession."

15. The Tribunal was satisfied, on the balance of probabilities, that the tenancy was a short assured tenancy, that it had been brought to an end on its ish date, that tacit relocation was not operating (as a result of the service, and expiry of the period of notice under, the notice to quit) and that the Respondent had been given notice that the Applicant required possession of the Property (as a result of the service, and expiry of the period of notice under, the section 33 notice). Accordingly, the only remaining factor to consider was whether or not it was reasonable to make an order for possession.

16. The Tribunal was satisfied, on the balance of probabilities, that it was reasonable to grant an order for possession because:

- a. The Respondent was agreeable to an order for possession being granted.
- b. Based on the Tribunal's own knowledge and experience, an order for possession would likely be of assistance to the Respondent in seeking alternative accommodation through the local authority or a housing association.
- c. The requisite notices etc had been served on the Respondent in April 2025, which was approximately one year prior to the date of the CMD.
- d. The Applicant wished to sell the Property in order to get his affairs in order and to support his mother.
- e. The Respondent's representative had indicated in his submissions that the Applicant had attempted (albeit without success) to sell the Property without first terminating the tenancy.

DECISION

17. The Tribunal decided that an order be granted against the Respondent for possession of the Property under section 33 of the 1988 Act, which order was not to be executed prior to 12 noon on Tuesday 30 June 2026.
18. The order referred to in the preceding paragraph was intimated orally to the Applicant, the Respondent and the Respondent's representative during the CMD.

Right of Appeal

In terms of Section 46 of the Tribunals (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.

P. Woodman

8 April 2026

Chair

Date