

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/25/4015

Property: Croig, 82 High Street, Kirkcudbright DG6 4JL ("Property")

Parties:

Alastair David Grant and Olive Grant, 6 Victoria Place, Kirkcudbright DG6 4EW ("Applicant")

Brazenall & Orr LLP, 104 Irish Street, Dumfries DG1 2PB ("Applicant's Representative")

Anna Szafer, Croig, 82 High Street, Kirkcudbright DG6 4JL ("Respondent")

Tribunal Members:

Joan Devine (Legal Member)

Ahsan Khan (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("Tribunal") determined to grant an order for possession of the Property.

Background

The Applicant sought recovery of possession of the Property. The Applicant had lodged Form E. The documents produced were: Short Assured Tenancy Agreement which commenced on 1 October 2017 and AT5; Notice to Quit and Notice in terms of section 33 of the Housing (Scotland) Act 1988 ("1988 Act") both dated 20 June 2025 and both addressed to the Respondent; Royal Mail certificate of service on 20 June 2025; notification to the Local Authority in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003 with covering email and sheriff officer execution of service confirming service of the application on the Respondent on 2 March 2026.

Case Management Discussion ("CMD")

A CMD took place before the Tribunal by conference call on 16 April 2026. The Applicant was in attendance and represented by Andrew Maxwell of the Applicant's Representative. The Respondent was also in attendance and was accompanied by her daughter.

Mr Maxwell told the Tribunal that the Property had been in the Applicant's family for several generations. He said it had been their family home at one point. He said that they now wished their son to live in the Property.

The Respondent told the Tribunal that she lives in the Property with her partner and her 26 year old daughter. She said she had been in touch with the local authority about alternative accommodation. She said the family were now allocated "band B" as the Tribunal process was underway. She said she had been told that alternative accommodation may become available soon or the family may have to be housed in temporary accommodation. She said it was very stressful as she did not know where they would be housed. She said she had recently had an operation to her back and had been signed off work for 6 weeks. She said that she and her partner are both in employment. The Respondent told the Tribunal that she appreciated that the applicant wished the Property back and she did not oppose the grant of the order.

Findings in Fact

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent entered into a short assured tenancy agreement which commenced on 1 October 2017.
2. The tenancy was for the period 1 October 2017 to 2 April 2018 and month to month thereafter.
3. A Notice to Quit dated 20 June 2025 was served on the Respondent on 20 June 2025 stating that the tenancy would terminate on 2 September 2025.
4. A Notice in terms of Section 33 of the 1988 Act dated 20 June 2025 was served on the Respondent on 20 June 2025 stating that possession of the property was required on 2 September 2025.
5. The tenancy reached its *ish* on 2 September 2025 and is not continuing by tacit relocation.
6. Notification was provided to the Local Authority in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003.

Reasons for the Decision

The Tribunal determined to make an Order for possession of the Property in terms of Section 33 of the 1988 Act. The Tribunal noted that the tenancy had been properly created as a short assured tenancy and that a Section 33 Notice and Notice to Quit had been served on the Respondent giving two months' notice that the Applicant required possession of the Property. Having considered all of the circumstances, and

in light of the lack of opposition from the Respondent, the Tribunal determined that it was reasonable to issue an eviction order.

Decision

The Tribunal grants an Order for possession of the Property.

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.

Joan Devine

Legal Member

Date: 14 April 2026