



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/25/3446

Re: Property at 22 Queens Court, Larbert, FK5 4BS (“the Property”)

Parties:

Mr Ainslie Wood, Marina Wood, 20 Douglas Street, Airth, Falkirk, FK2 8GF (“the Applicant”)

Ms Karen Lawless, 22 Queens Court, Larbert, FK5 4BS (“the Respondent”)

Tribunal Members:

Lauren Rae (Legal Member) and Eileen Shand (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application for the order for possession should be granted. The Order is superseded until 24 August 2026.

Background

1. By application dated 9 August 2025, the applicants sought an order under section 33 of the Housing (Scotland) Act 1988 (“1988 Act”) and rule 66 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“tribunal rules”)
2. On 3 November 2025, the application was accepted by the tribunal and referred for determination by the tribunal. The application included a copy of the Short Assured Tenancy agreement, AT5, notice to quit, section 33 notice, copy execution of service by Sheriff Officers and section 11 notice to the Local Authority together with proof of delivery

3. A Case Management Discussion (“CMD”) was fixed to take place on 13 April 2026 and appropriate intimation of the CMD was given to both parties.

The Case Management Discussion

4. The CMD took place on 13 April 2026 via telephone conference at 10am. The applicants attended. By email dated 13 April 2026 (00:20am), the respondent notified the tribunal that she was not intending to appear at the CMD. In the course of that email, the respondent advised the tribunal that she did not object to an order for eviction being granted but sought delay to its enforcement.
5. The tribunal explained the purpose of the CMD to the applicants and the powers available to the tribunal to determine matters. The tribunal explained that notwithstanding the respondent not objecting to the eviction order, the tribunal wished to be addressed by the applicants of the reasonableness of an eviction order being granted.
6. The tribunal asked various questions of the applicants with regards to the application.
7. Mr Wood on behalf of both applicants advised the tribunal that the applicants were seeking an eviction order as soon as possible. Mr Wood advised that he wished to sell the property to allow him to retire. The applicants owned 3 other rental properties, one of which had been sold and the other which was currently on the market since January 2026. The applicants had engaged an estate agent to market the Property but the respondent had refused to allow access. The applicants were mindful of the respondent’s health issues and were of the view, the current property was not suitable for her health needs. It was a top floor flat with no fitted handrails and no wet room and was not suited to the respondent’s needs. Mr Wood had tried to help the respondent find more suitable accommodation elsewhere and had spoken to another landlord whom he knew. The other property was approximately 5-10minutes from the respondent’s current Property. The landlord was amenable to fitting handrails and adapting the property to include an assisted shower. The landlord was also prepared to reduce the monthly rent to align with what the respondent could afford. The respondent had refused to view the other property. Mr Wood had also offered the respondent the opportunity to purchase the Property at market value should she wished to do so. The respondent responded by asking Mr Wood to only communicate with her in writing. Mr Wood advised the tribunal that there had never been any problems

with rent arrears, the respondent lives alone and the respondent had been a good tenant throughout the duration of the tenancy.

8. By email to the tribunal dated 13 April 2026, the respondent advised the tribunal she did not oppose an ejection order being granted but sought to delay the enforcement of any order for as long as possible. The respondent advised that the local authority would provide her with permanent accommodation because of her medical needs and disability. These needs included a ground floor property fitted with an adapted wet room and a second bedroom for carers.

Findings in fact

9. The registered proprietors of the Property are Mr David Harrison and Mrs Arlene Harrison. By registered Minute of Agreement dated 10 June 2016, title to the Property vests in the applicants in implementation of the dissolution of a partnership between them and Mr and Mrs Harrison.
10. The applicant and the respondents entered into a Short Assured Tenancy agreement on 7 October 2012 until 8 October 2013. The tenancy was continuing month to month thereafter. The terms of the tenancy require two months' notice by either party to end the tenancy.
11. An AT5 notice under section 32 of the 1988 Act was served on the respondent prior to the creation of the tenancy.
12. The respondent was served with a valid notice to quit and section 33 notice dated 2 June 2025 served by Sheriff Officer on 4 June 2025. Both notices stated that possession was required from 8 August 2025.
13. Following service of the notice to quit and section 33 notice, the tenancy has come to an end and tacit re-location is not occurring.
14. The respondent is the tenant of the Property and lives there alone. The Property is no longer suitable for the respondent's medical needs.
15. The applicants intend to sell the Property, and Mr Wood intends to retire and cease being a landlord.
16. The respondent does not oppose the application and is hoping to be rehoused by the Local Authority as a priority due to her medical and care needs.

Reasons for the Decision

17. The application was submitted with a notice to quit and section 33 notice dated 2 June 2025 and served by Sheriff Officer on 4 June 2025. The notice to quit and section 33 notice state that the tenancy reached its ish date on 8 August 2025.
18. From the documents submitted and the information provided at the CMD including the email from the respondent dated 13 April 2026, the tribunal is satisfied that appropriate notice had been given to the respondent under section 33 of the 1988 Act.
19. The tribunal proceeded to consider whether it would be reasonable to grant the order and noted the following:-
- (i) The respondent did not oppose the order. She had approached the Local Authority for alternative housing suitable for her medical needs.
 - (ii) The respondent lives alone and the Property is no longer suitable for her medical needs
 - (iii) The applicants intend to sell the Property and retire. The Applicants had taken steps to sell/market for sale other properties within their property portfolio and intended to cease being landlords. The Property was the last of the Applicant's properties to be marketed for sale.
 - (iv) The applicant, Mr Wood, had attempted to locate another more suitable property for the Respondent locally from another landlord.
 - (v) The applicants confirmed the respondent had been a good tenant and had occupied the property for a very long time without incident. Rent had always been paid on time.
20. The tribunal concludes that the applicants have complied with the requirements of section 33 of the 1988 Act. For the reasons outlined in paragraph 19, the tribunal is satisfied that it would be reasonable to grant the order for eviction.
21. The tribunal determined that it was reasonable, in light of the respondent's medical needs for the eviction order to be superseded until 24 August 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.

L.Rae

13/04/26

Legal Member/Chair

Date