



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/25/3820

Re: Property at 15 Pitkevy Court, Glenrothes, Fife, KY6 3EH (“the Property”)

Parties:

Mr Craig Littlejohn, Mr Victoria Littlejohn, 20 Gravel Close, Benson, Wallingford, Oxfordshire, OX10 6SR (“the Applicant”)

Mr Kenneth Oliver, 15 Pitkevy Court, Glenrothes, Fife, KY6 3EH (“the Respondent”)

Tribunal Members:

Mary-Claire Kelly (Legal Member) and Gerard Darroch (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to grant an order for eviction.

Background

1. By application dated 4 September 2025 the applicant seeks an order for eviction relying on section 33 of the Housing (Scotland) Act 1988.
2. The applicant lodged the following documents with the application:
 - Copy tenancy agreement
 - Copy form AT5
 - Copy Notice to quit
 - Copy section 33 notice
 - Proof of service of notice to quit and section 33 notice

- Notice under section 11 of the Homelessness Etc. (Scotland) Act 2001 with proof of delivery
 - Rent statement
 - Pre action correspondence
3. A case management discussion (“cmd”) was scheduled to take place by teleconference on 1 April 2026.

Case management discussion (“cmd”) – teleconference- 1 April 2026

4. The applicant, Mr Littlejohn attended with his letting agent, Ms King, Fife Lettings Service. The respondent, Mr Oliver was in attendance.
5. Mr Littlejohn sought an order for eviction. He stated that the tenancy had commenced in 2011. A section 33 notice and notice to leave had been served on 24 June 2025. Mr Littlejohn stated prior to June 2025 there had been no issues with the conduct of the tenancy however from that date rent arrears had begun to build up.
6. Mr Oliver stated that he had a change in his personal circumstances from May 2025 which had led to issues with payment of rent. He had sought advice from the local authority and Citizens Advice after he had received the notice to quit and section 33 notice. He had been advised by the local authority that no assistance would be provided until an eviction order was granted. He stated that he had applied for housing benefit which had recently been awarded however that did not cover the full rental charge. Mr Oliver stated that the property was no longer affordable. He stated that he had a number of medical conditions which would impact on the type of accommodation that would be suitable for him. He stated that he did not seek to oppose the application and hoped to obtain accommodation from the local authority.

Findings in fact and law

7. The parties entered into a short assured tenancy agreement with a commencement date of 30 September 2011. An AT5 was served on the respondent prior to the commencement of the tenancy.

8. A valid notice to quit and section 33 notice dated 24 June 2025 were served on the respondent.
9. The applicant has complied with the requirements of section 33 of the Housing (Scotland) Act 1988
10. The respondent does not oppose the present application.
11. Due to a change in personal circumstances the property is no longer affordable for the respondent.
12. The respondent is affected by a number of medical conditions which impact the type of accommodation that is suitable for him.
13. It is reasonable to grant an order for eviction.

Reasons for the decision

14. Rule 17 (4) states:

The First-tier Tribunal may do anything at a case management discussion which it may do at a hearing, including making a decision.

15. Rule 18 states:

Power to determine the proceedings without a hearing

18.—(1) *Subject to paragraph (2), the First-tier Tribunal—*

(a) may make a decision without a hearing if the First-tier Tribunal considers that—

(i) having regard to such facts as are not disputed by the parties, it is able to make sufficient findings to determine the case; and

(ii) to do so will not be contrary to the interests of the parties; and

(b) must make a decision without a hearing where the decision relates to—

(i) correcting; or

(ii) reviewing on a point of law,

a decision made by the First-tier Tribunal.

(2) Before making a decision under paragraph (1), the First-tier Tribunal must consider any written representations submitted by the parties.

16. The Tribunal was satisfied that it was able to make a determination and that it was not contrary to parties' interest to do so at the cmd without the need for a further hearing.

17. Section 33 of the Housing (Scotland) Act 1988 states:

33 (1) Without prejudice to any right of the landlord under a short assured tenancy to recover possession of the house let on the tenancy in accordance with sections 12 to 31 of this Act, 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)

(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.

18. In the present application the applicant has satisfied the requirements of section 33 (a), (b) and (d). The Tribunal is satisfied that a short assured tenancy was created when the respondent moved into the property. A notice to quit and notice in terms of section 33 were served on 24 June 2025. The notice to quit had the effect of preventing tacit relocation from operating. The section 33 notice provided the tenant with notice that the applicant required possession of the house.

19. The Tribunal proceeded to make a determination of whether it was reasonable to grant an order for eviction. In assessing whether it is reasonable to grant an order all available facts relevant to the decision were considered and weighed in the balance, for and against.

20. The Tribunal took into account the oral and written submissions of the parties. There was no dispute between the parties in relation to the facts of the case.

21. The Tribunal took into account the respondent's personal circumstances. In light of the respondent's lack of opposition to the application the Tribunal determined that it was reasonable to grant an order for eviction.

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.

Mary-Claire Kelly

Mary-Claire Kelly

Legal Member/Chair

1 April 2026

Date