



**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/25/5246

**Re: Property at The Spires, Foredale Terrace, Bo'ness, Falkirk, EH51 9LW (“the
Property”)**

Parties:

**The Church of Scotland General Trustees, 121 George Street, Edinburgh, EH2
4YN (“the Applicants”)**

**James Wood, Lesley-Anne McLelland, The Spires, Foredale Terrace, Bo'ness,
Falkirk, EH51 9LW (“the Respondents”)**

Tribunal Members:

Joel Conn (Legal Member) and Mary Lyden (Ordinary Member)

Decision (in absence of the Respondents)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that**

Background

1. This is an application by the Applicants for an order for possession on termination of a short assured tenancy in terms of rule 66 of the *First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017* as amended (“the Rules”). The tenancy in question was a Short Assured Tenancy of the Property by the Applicants to the Respondents commencing on 28 November 2017.
2. The application was dated 4 December 2025 and lodged with the Tribunal on that date. The application relied upon a Notice to Quit and notice in terms of section 33 of the *Housing (Scotland) Act 1988*, both dated 17 September 2025, providing the Respondents with notice (respectively) that the Applicants sought to terminate the Short Assured Tenancy and have the Respondents vacate,

each by 28 November 2025. Evidence of service of the said notices by Sheriff Officer's service on 19 September 2025 was included with the application.

3. Evidence of a section 11 notice dated 4 December 2025 in terms of the Homelessness Etc. (Scotland) Act 2003 served upon Falkirk Council was provided with the application.
4. Prior to the case management discussion ("CMD"), in response to a Notice of Direction, an AT5 form was lodged by the Applicants.

The Hearing

5. On 13 March 2026 at 11:30, at a CMD of the First-tier Tribunal for Scotland Housing and Property Chamber, sitting remotely by telephone conference call, we were addressed by David Di Paola, solicitor in the Law Department of The Church of Scotland, for the Applicants. There was no appearance for the Respondents.
6. We sought confirmation from the Tribunal's clerk as to any contact from or on behalf of the Respondents but there had been none (in regard to this application or a conjoined application on arrears under reference CV/25/3897). The Applicants' agent confirmed that there had been little to no contact with the Respondents with his department or the Applicants' letting agents. He recalled no contact with him since the start of the year, and only two emails with the second named Respondent at all. In the communications he had received, one of them contained an acknowledgement that there were arrears but no proposal for payment was made, and in the other the Respondents intimated that they had met with the local authority and would not be voluntarily vacating at the expiry of the notices. He said that an application had been lodged previously to seek a right of entry, so as to be able to complete safety inspections, when the Respondents had failed to cooperate. In all the circumstances, and having not commenced the CMD until 11:35, we were satisfied to hear the application in the absence of the Respondents. (In any event, neither of the Respondents nor anyone on their behalf sought to dial into the CMD call at any time before its conclusion.)
7. The Applicants' agent drew our attention to a statement of arrears dated 6 January 2026 lodged late in the application process of the conjoined application. It showed arrears at that date as £22,410. It showed no payment against rent since 28 August 2024. Rent had been raised (quite significantly, by 49%) on 28 January 2025 and was now £1,400 a month but payments had ceased some months before, and it did not appear to be that the rent increase had been the cause of the arrears. Arrears as of 28 February 2026 were now £25,210 for the period to 27 March 2026. The Applicants relied on no other breach of the Tenancy, other than the historic need to seek a right of entry.
8. We noted the following points relevant to the question of reasonableness:
 - a. The Respondents are not believed to have any children or other dependents at the Property.

- b. The Property was not believed to be specially adapted for the Respondents' use, nor was the Property believed to be especially suitable for the Respondents due to its location or nature.
- c. The Applicants' agent believed the Respondents were of working age but lacked any further information on the ages, employment status, benefits status, or health.
- d. The Property was a former manse but the congregation was dissolved. There was no future requirement for it to return to being a manse. The Applicants' intention was to sell the Property as part of a broader programme of realising assets that were no longer required by its active congregations.

9. No order for expenses was sought.

Findings in Fact

- 10. By written lease dated 28 November 2017, the Applicants let the Property to the Respondents by lease with a start date of 28 November 2017 until 28 May 2018 on the basis that "it will continue thereafter on a monthly basis" ("the Tenancy").
- 11. The Tenancy was a Short Assured Tenancy in terms of the *Housing (Scotland) Act 1988* further to the Applicants issuing the Respondents with a notice under section 32 of the 1988 Act (an "AT5") on 28 November 2017, prior to commencement of the Tenancy.
- 12. On 17 September 2025, the Applicants' agent drafted a Notice to Quit in correct form addressed to the Respondents, giving the Respondents notice that the Applicants wished them to quit the Property by 28 November 2025.
- 13. On 17 September 2025, the Applicants' agent drafted a Section 33 Notice under the 1988 Act addressed to the Respondents, giving the Respondents notice that the Applicants required possession of the Property by 28 November 2025.
- 14. 28 November 2025 is an ish date of the Tenancy.
- 15. On 19 September 2025, the Applicants' agent competently served each of the notices upon the Respondents by Sheriff Officer's service. The Respondents were thus provided with sufficient notice of the Applicants' intention that the Tenancy was to terminate on 28 November 2025.
- 16. On or around 4 December 2025, the notice period under the notices having expired, the Applicants raised proceedings for an order for possession with the Tribunal, under rule 66, the grounds of which being: that the Tenancy had reached its ish; that tacit relocation was not operating; that no further contractual tenancy was in existence; that notice had been provided that the Applicants required possession of the Property all in terms of section 33 of the 1988 Act; and that it was reasonable to make the order.

17. A section 11 notice in the required terms of the *Homelessness Etc. (Scotland) Act 2003* was served upon Falkirk Council on or around 4 December 2025 on the Applicants' behalf.
18. On 28 January 2026, a Sheriff Officer acting for the Tribunal intimated the application and associated documents upon the Respondents, providing the Respondents with sufficient notice of the CMD of 13 March 2026.
19. The Applicants seek to sell the Property so as to realise an asset not required by any active congregation.
20. The Respondents are in rent arrears of £25,210 as of 13 March 2026, having made no payment of rent since 28 August 2024.
21. The Respondents have previously declined to permit reasonable access for inspections of the Property, including safety inspections.

Reasons for Decision

22. The application was in terms of rule 66, being an order for possession upon termination of a short assured tenancy. We were satisfied on the basis of the application and supporting papers that the necessary notices had been served with sufficient notice, and thus the requirements of the 1988 Act had been complied with. In any event, the Respondents tendered no dispute as to the validity of the notices.
23. We require, in terms of the 1988 Act as currently amended, to consider "that it is reasonable to make an order for possession". On this, the Respondents again offered no opposition. We were satisfied that the Applicants' reasons for seeking eviction were reasonable in that they sought to sell the Property as surplus to their requirements as a religious body. We further took into account the significant arrears, and the lack of cooperation from the Respondents on reasonable inspections. In the circumstances before us, we were thus satisfied that it was reasonable to grant the application.
24. The Rules allow at rule 17(4) for a decision to be made at a CMD as at a hearing before a full panel of the Tribunal. On the basis of the information held, we are thus satisfied to grant an order for eviction at this time in normal terms.

Decision

25. In all the circumstances, we make the decision to grant an order against the Respondents for possession of the Property under section 33 of the *Housing (Scotland) Act 1988*.

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.

13 March 2026

Legal Member/Chair

Joel Conn

Date