



**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/25/4402

**Re: Property at 22 Kinnaird Road, Forgandenny, Perth, PH2 9EW (“the
Property”)**

Parties:

**Mr William Harrold Thomson, Kinnaird Farm, Forgandenny, Perth, PH2 9ES
 (“the Applicant”)**

**Mr Alan Saunders, 22 Kinnaird Road, Forgandenny, Perth, PH2 9EW (“the
Respondent”)**

Tribunal Members:

George Clark (Legal Member) and Sandra Brydon (Ordinary Member)

Decision (in absence of the Respondent)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that the application should be decided without a
Hearing and made an Order for Possession of the Property.**

Background

1. By application, dated 9 October 2025, the Applicant sought an Order for Possession of the Property under Section 33 of the Housing (Scotland) Act 1988 (“the 1988 Act”), namely recovery of possession on termination of a Short Assured Tenancy.
2. The application was accompanied by a copy of a Short Assured Tenancy Agreement between the Parties, running from 31 October 2011 until 29 April 2012, continuing by tacit relocation, and copies of a Notice under Section 33 of the 1988 Act and a Notice to Quit, both dated 27 June 2025 and both requiring the Respondent to vacate the Property by 29 August 2025.
3. The Applicant also provided a copy Rent Statement showing arrear as at September 2025 of £3,780, with no rent having been paid since March 2025.

4. On 25 April 2026, the Tribunal advised the Parties of the date and time of a Case Management Discussion, and the Respondent was invited to make written representations by 16 May 2026. The Respondent did not make any written representations to the Tribunal.
5. On 8 May 2026, the Applicant's solicitors provided the Tribunal with an updated Rent Statement, indicating arrears of £8,190 as at April 2026, and no payments having been made since the date of the application.

Case Management Discussion

6. A Case Management Discussion was held by means of a telephone conference call on the morning of 28 May 2026. The Applicant was represented by Mrs Sally Ann McCartney of Kippen Campbell LLP, solicitors, Perth. The Respondent was not present or represented.
7. The Applicant's representative told the Tribunal that the Applicant requires to sell the Property to alleviate his personal financial position, which has been exacerbated by the fact that the Respondent has paid no rent for over a year. The Applicant has already sold the other rental property that he owned. She confirmed that the rent arrears have increased further since the date of the updated Rent Statement. She understood that the Respondent has no dependants living with him.

Reasons for Decision

8. Rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 provides that the Tribunal may do anything at a Case Management Discussion which it may do at a Hearing, including making a Decision. The Tribunal was satisfied that it had before it all the information and documentation it required to enable it to decide the application without a Hearing.
9. Section 33 of the 1988 Act states that the Tribunal may make an Order for Possession of a house let on a Short Assured Tenancy if it is satisfied that the Short Assured Tenancy has reached its end, that tacit relocation is not operating, that no further contractual tenancy is for the time being in existence, that the landlord has given to the tenant notice stating that he requires possession of the house, and that it is reasonable to make the Order for Possession.
10. The Tribunal was satisfied that the tenancy had reached its end, that, by service of the Notice to Quit, tacit relocation was no longer operating, that there was no further contractual tenancy in existence between the Parties and that the Notice required under Section 33 of the 1988 Act had been properly given. The remaining matter for the Tribunal to consider was, therefore, whether it would be reasonable to issue an Order for Possession.

11. In arriving at its decision as to whether it would be reasonable to make an Order for Possession, the Tribunal noted that there are very high arrears of rent and that no rent at all has been paid since March 2025, and that the Applicant requires to sell the Property to alleviate his personal financial position. The Tribunal also noted that the Respondent had not made any written representations and had chosen not to attend or to be represented at the Case Management Discussion, so had not provided the Tribunal with any information regarding his personal circumstances which he would wish the Tribunal to take into account in arriving at its Decision.
12. Having considered all the evidence before it, the Tribunal decided that it would be reasonable to make an Order for Possession.
13. The Tribunal's decision was unanimous.

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.

Mr G Clark

Legal Member/Chair

28 May 2026

Date