



**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/25/4241

Re: Property at 64 Ryan Road, Glenrothes, Fife, KY6 2EW (“the Property”)

Parties:

Mr David Easton, 4 Beechgrove Rise, Cupar, Fife, KY15 5DT (“the Applicant”)

Ms Laura Allan, 64 Ryan Road, Glenrothes, Fife, KY6 2EW (“the Respondent”)

Tribunal Members:

Alison Kelly (Legal Member) and Ahsan Khan (Ordinary Member)

Decision (in absence of the Applicant)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the order for eviction should be granted.

1. On 1st October 2025 the Applicant lodged an Application with the Tribunal under Rule 66 of the First Tier Tribunal for Scotland (Housing and Property Chamber Rules of Procedure) 2017 (“The Rules”), seeking an order to evict the Respondent from the property.

2. Lodged with the application were: -
 - a. Short Assured Tenancy Agreement dated 22nd March 2013 and initially running from 22nd March 2013 to 23rd September 2013 and monthly thereafter;
 - b. AT5 Notice dated 22nd March 2013;
 - c. Notice to Quit dated 8th May 2025 for 23rd July 2025;
 - d. Section 33 Notice dated 8th May 2025 for 23rd July 2025;
 - e. Proof of service of c and d;
 - f. Section 11 Notice and proof of service;

3. The Application was served on the Respondent by Sheriff Officers on 27th April 2026.

Case Management Discussion

4. The Case Management Discussion (“CMD”) took place by teleconference. Noone dialled in on behalf of the Applicant. The Respondent dialled in and represented herself.
5. The Chairperson explained the purposes of a CMD in terms of Rule 17 of the Rules.
6. The Respondent said that she was not opposed to the order. She lives in the property, which has three bedrooms, with her three teenaged children. She has two boys and one girl. The property is overcrowded and she is keen to move somewhere larger. She has been in touch with the local authority and they are aware that the case is calling today. She has a definite commitment from them that they will assist her with accommodation.
7. The Tribunal explained that it could deal with matters in one of two ways. Firstly, the CMD could be continued for the attendance of the Applicant’s solicitor, and it is likely that the continuation date would be some time in August or September. Secondly, given that the Respondent is consenting to the Order the Tribunal could grant it, pending the Applicant’s solicitor sending an email to the Tribunal confirming that the Applicant is seeking the eviction.
8. The Respondent said that she would prefer the second option. The local authority is waiting for the outcome of today’s calling, and she has no wish to delay.
9. An email was sent to the Applicant’s solicitor on 27th May 2026 and they replied on the same day, confirming that the Applicant wishes the order to be granted. The email was not forwarded to the Chairperson until 4rh June 2026.

Findings in Fact

- i. The parties entered into a Short Assured Tenancy Agreement in respect of the property;
- ii. The tenancy commenced on 22nd March 2013, with the initial term being from 22nd March 2013 to 23rd September 2013, and monthly thereafter;
- iii. Notice To Quit and Section 33 Notice were served timeously and correctly;
- iv. The Short Assured Tenancy has reached its ish;
- v. Tacit relocation is not operating;
- vi. The Application was served on the Respondent by Sheriff Officer on 27th April 2026;

- vii. The Respondent lives in the property with her three teenaged children and it is overcrowded;
- viii. The Respondent has been in touch with the local authority about re-housing;
- ix. The Respondent consents to the order being granted.

Reasons For Decision

10. Section 33 of the Housing (Scotland) Act 1988 is as follows:

(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.

(2) The period of notice to be given under subsection (1)(d) above shall be—

(i) if the terms of the tenancy provide, in relation to such notice, for a period of more than two months, that period;

(ii) in any other case, two months.

(3) A notice under paragraph (d) of subsection (1) above may be served before, at or after the termination of the tenancy to which it relates.

(4) Where the First-tier Tribunal makes an order for possession of a house by virtue of subsection (1) above, any statutory assured tenancy which has arisen as at that finish shall end (without further notice) on the day on which the order takes effect.

(5) For the avoidance of doubt, sections 18 and 19 do not apply for the purpose of a landlord seeking to recover possession of the house under this section.

9. The Tribunal is satisfied that the Short Assured Tenancy has been brought to an end and that tacit relocation is not operating. The Tribunal is also satisfied that it is reasonable to grant the order as the Respondent is not opposed to it, and the property is overcrowded.

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.



Legal Member/Chair

5th June 2026

Date