



**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/25/4846**

**Re: Property at 11 Braids Road, Kirkcaldy, KY2 6JW (“the Property”)**

**Parties:**

**JTR Partnership, C/O Morton Napier LTD, (Formerly Remax First), 1a Whytescauseway, Kirkcaldy, KY1 1XF (“the Applicant”)**

**Miss Emma Macdonald, 11 Braids Road, Kirkcaldy, KY2 6JW (“the Respondent”)**

**Tribunal Members:**

**Nairn Young (Legal Member) and Eileen Shand (Ordinary Member)**

**Decision**

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

- Background

This is an application for an order for possession of the Property, which was let to the Respondent by the Applicant in terms of a short assured tenancy agreement. It called for case management discussion (‘CMD’) at 2pm on 2 June 2026, by teleconference. The Applicant was represented on the call by Ms McKenzie of McKenzies, solicitors. The Respondent was on the call in-person.

- Findings in Fact

The Respondent confirmed that she did not oppose the application. The following facts, as set out in it, were relied upon by the Tribunal in making its decision:

1. The Respondent let the Property from the Applicant in terms of a short assured tenancy agreement with an initial term commencing 17 November 2017 and running to 18 May 2018.
2. In terms of the agreement, termination of the lease could be effected by the landlord giving two months notice to the tenant.
3. At the time of execution of the lease, notice to quit was served by the Applicant on the Respondent, terminating the contractual tenancy on 18 May 2018, along with notice that it required possession of the Property at termination, in terms of s.33(1)(d) of the Housing (Scotland) Act 1988 ('the Act').
4. The Applicant holds the landlord's interest under the lease as a partnership between the owner of the Property and another individual. The owner of the Property is now deceased and has left the Property to his fiancée in terms of his will. His fiancée currently has no stable accommodation and wishes to move in as soon as possible.
5. The Respondent lives at the Property with three adult children, twins aged 19 and another child aged 18. Two of her children have disabilities and she is a carer for them part-time. The Property has 3 bedrooms. Her children all attend college. The local authority has indicated that they will not provide her with support to be reaccommodated unless and until an order for her eviction is made.

- Reasons for Decision

6. The tenancy has reached its end and tacit relocation is not operating. The notice required by s.33(1)(d) of the Act was served. It is reasonable for an order for possession to be granted. The Respondent and her family clearly have particular needs which are currently being served by this property; however, the person who is entitled to take ownership of the Property is currently homeless and it is reasonable for her to remedy that situation by taking possession of an asset she has inherited. Given that the tenancy has been proceeding as a statutory one for over eight years, it is arguable that the Respondent's position might be improved if she were able to find more stable accommodation, with the local authority's assistance. That assistance will not be provided until an order is granted.

7. Nonetheless, the Tribunal considered that execution of the order should be suspended until 7 August 2026. The Respondent and her family have resided at the Property for many years and should be afforded time to organise their affairs and access proper support from the local authority, in the hope that they can be rehoused suitably, quickly and with the minimum of disruption.

- Decision

### **Order for possession granted.**

### **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.

# N.Young

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Legal Member/Chair

02.06.2026  
Date