



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 and Rule 66 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”)

Chamber Ref: FTS/HPC/EV/25/5466

Re: Property at 77 Carrick Court, Stirling, FK7 7QX (“the Property”)

Parties:

Mrs Linda Rozens, Mr Charles Rozens, 14 Seton Drive, Stirling, FK7 7RL (“the Applicant”)

Ms Jane Robertson, 77 Carrick Court, Stirling, FK7 7QX (“the Respondent”)

Tribunal Members: Yvonne McKenna (Legal Member) and Eileen Shand (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the statutory requirements for eviction and recovery of possession have been established and that it is reasonable to grant the order sought.

Background

1. By application dated 19 December 2025, the Applicant sought an order under section 33 of the Housing (Scotland) Act 1988 (“**the Act**”) and in terms of rule 66 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“**the Rules**”).
2. On 22 January 2026, the application was accepted by the Tribunal and referred for determination by this tribunal.
3. A Case Management Discussion (“**CMD**”) was arranged to take place on 29 June 2026, and appropriate intimation of that hearing was given to all parties.

The Case Management Discussion

4. The CMD took place on 29 June 2026 by telephone conference call. The Applicant was present and was represented by Ms Jenna Thorpe of Jackson Boyd solicitors. The Respondent was present.

5. In advance of the CMD, the Respondent had not lodged any written submissions.

Position of the Respondent

6. The Respondent was not opposed to the order for eviction. She had contacted Stirling Council the day that she had received the Notice to Quit. She was put in contact with the homeless team in October 2025, and has called constantly over the past few months. She has been in dialogue with the housing department's allocations manager.

7. For the past 4 months her granddaughter has been living with her at the Property. Her granddaughter is 16 years old, and in full time education. She is still at school and will be going into her sixth year after the summer holidays. The Respondent is now responsible for feeding and clothing her granddaughter.

8. She said that she would like to say sorry to the Applicant for remaining in the Property, she wants them to have their flat back, but she had been doing everything she can to seek alternative accommodation. The local authority has not told her that she will be prioritised for re-housing when an order for eviction is granted. She has been advised by the housing department that they have 3, 000 people waiting for housing and only have 200 properties vacant each year. She has telephoned daily. There is nothing available in the private sector. The prices of property rentals have, "gone through the roof" and there is nothing within her price range. She has contacted all of the local housing associations since August 2025, and sent all the necessary forms back to them. She has heard nothing back.

9. The Respondent is suffering from an auto immune condition. She has included a health report with her applications. The Property has not been adapted in relation to this. She has also been in contact with Citizens Advice.

Position of the Applicant

10. The applicant sought the order for eviction to be granted. Ms Thorpe said the Applicant was aware the Respondent was looking for council accommodation, but was unaware of the struggle she had been having.

11. The Applicant, Mrs Rozens, said that they were in their early 60s. The Property is the only accommodation they rent out. It had always been their intention to rent this out until they retire. They had imagined they would have had a turnover of tenants, not a long term tenant. They had anticipated that between tenants they would decide to sell. There have been quite a lot of stressors involved, and they have found it increasingly difficult to deal with being landlords.

12. She said that they appreciated the apology given by the Respondent, as her predicament is awful, however the Applicant wants to be able to move on and to be able to retire. They may move away from the area. They took advice regarding selling the Property with a sitting tenant. This was discussed with their solicitors, who did not recommend this. They have required to take guidance from their legal advisors in this respect. They have also had some problems with rent arrears accruing over time. Small deficits in the full rent amount due have accumulated over a period of time. Rent arrears are still due. Although they could not immediately put a figure on these, they amounted to between £1,000 to £1, 500.

Findings in Fact

13. The Applicant and the Respondent, are, respectively, the landlord and the tenant, who entered into a short assured tenancy of the Property by an agreement dated 13 June 2017.

14. The tenancy is a short assured tenancy in terms of the Act.

15. The Applicant has served upon the Respondent a notice to quit and a notice in terms of section 33 (1) (d) of the Act, both notices being dated 4 August 2025. These notices were served on the Respondent by sheriff officers on 7 August 2025. Said notices became effective on 14 October 2025.

16. The notices informed the Respondent that the Applicant wished to seek recovery of possession using the provisions of section 33 of the Act.

17. The notices were correctly drafted and gave appropriate periods of notice as required by law.

18. The basis for the order for possession was accordingly established.

19. A section 11 notice in terms of the Homelessness Etc. (Scotland) Act 2003 was served by email upon Stirling Council by the Applicant, on 19 December 2025.

Reasons for Decision

20. An eviction order can only be granted if the tribunal is satisfied that it is reasonable to issue an eviction order.

21. In determining whether it is reasonable to grant the order, the tribunal is required to balance all of the evidence which has been presented and to weigh the various factors which apply to the parties.

22. In this case the tribunal finds that it is reasonable to grant the order.

23. The Respondent has confirmed that she does not wish to oppose the application. She has been in touch with the local authority housing department since August 2025 seeking alternative housing from them. She has taken such steps as she can to seek

alternative accommodation and was apologetic for remaining in the Property meantime.

24. The Applicant is entitled to have vacant possession of the Property in order to sell the Property and to retire from the housing market as landlords. The tribunal has determined that, having considered all the relevant circumstances of both parties, the balance of reasonableness in this case weighs towards the Applicant.

25. The tribunal also exercised the power within rule 17 of the Rules, and determined that a final order should be made at the CMD

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.

Yvonne McKenna

29 June 2026

Legal Member/Chair

Date