



**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/26/0116

Re: Property at 79 Main Street, Crosshill, Fife, KY5 8AT (“the Property”)

Parties:

**Mr Alexander Kenneth Munro, 60 Abbotsford Road, Lochore, Lochgell, KY4 8DX
 (“the Applicant”)**

**Mr Andrew Snaddon and Mrs Marion Snaddon, 79 Main Street, Crosshill, Fife,
KY5 8AT (“the Respondents”)**

Tribunal Members:

Lauren Rae (Legal Member) and Ann Moore (Ordinary Member)

Decision (in absence of the Respondents)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that an order for possession should be granted against
the Respondents in favour of the Applicant.**

Background

1. By application dated 12 January 2026, the Applicant sought an order for possession in terms of section 33 of the Housing (Scotland) Act 1988 (“1988 Act”) and section 66 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“2017 Rules”).
2. The application was accompanied by:-
 - Notice to quit dated 9 September 2025
 - Section 33 notice dated 9 September 2025
 - Certificates of intimation for the notice to quit and section 33 notice on both Respondents dated 9 September 2025.
 - Section 11 notice in terms of the Homelessness Etc (Scotland) Act 2003 and covering email to Fife Council.

- Letter from joint owner of the Property authorising the Applicant to proceed with the application.
- 3. The application was accepted for determination by the Tribunal on 12 March 2026.
- 4. The case management discussion (“CMD”) was fixed for 3 July 2026 at 10am. Intimation of the date, time and format of the CMD was given to both parties. The Respondents were served with copy papers by Sheriff Officers on 28 May 2026 conform to certificates of service lodged in process.

Case Management Discussion

- 5. The CMD took place on 3 July 2026 at 10am via teleconference. The Applicant was represented by Ms Mackay, Solicitor, W&AS Bruce. There was no appearance by or on behalf of the Respondents.
- 6. The Tribunal was satisfied that the Respondents had sufficient notice of the CMD and determined to proceed with the CMD in their absence.
- 7. The Tribunal explained the purpose of the CMD and the Tribunal’s powers to make a decision.
- 8. Ms Mackay invited the Tribunal to grant an order for repossession. In support of that motion and under questioning from the Tribunal, Ms Mackay advised that the Property having been purchased by the Applicant and his partner as a retirement investment, were now of retirement age. Ms Mackay advised that she had heard nothing from the Respondents since service of the notice to quit and section 33 notice. She had written to the Respondents again on 18 June 2026 ahead of the CMD but had had no response. She advised that she believed that Mr Snaddon, having previously been in employment, was now in receipt of benefits. She was not aware of any health issues or adaptations by the Respondents and there were no children in occupation. She did not know whether the Respondents had secured alternative accommodation due to the lack of contact from them. She believed the Property was the Applicant’s only rental property.

Findings in Fact

- 9. The Applicant is the joint owner of the Property registered in the Land Register of Scotland under title number FFE75366.
- 10. The Applicant’s co-owner consented in writing to the application proceeding in the sole name of the Applicant.
- 11. The Applicant and Respondents entered into a Short Assured Tenancy dated 12 November 2018 (“the SAT”) which commenced on 27 November 2008.

12. The tenancy was initially for a 6 month period and thereafter continued by tacit relocation.
13. The monthly rent was £400.
14. On 9 September 2025, the Applicant served on the Respondents a notice to quit and section 33(1)(d) notice under the 1988 Act. Both notices were served by Sheriff Officer on 9 September 2025.
15. The notices had the effect of terminating the SAT, the SAT having reached its ish.
16. A Section 11 notice in terms of the 2003 Act was emailed to Fife Council on 9 January 2026.
17. The Applicant and his partner purchased the Property as a retirement investment.
18. The Applicant is aged 66 and has reached an age where he wishes to retire and realise his investment in the Property.
19. The Applicant's co-owner, whilst not a party to the lease or these proceedings, consented to the application proceeding in the Applicant's sole name.
20. The Respondents live alone with no known dependants residing within the Property. They have no known health issues nor has the Property been adapted for any health needs.

Reasons for Decision

21. Procedurally, the Applicant served notices on both Respondents in good time ahead of the ish date. The notices had the effect of terminating the SAT.
22. The Tribunal was satisfied that it was reasonable to grant the order. In doing so, the Tribunal had regard to all information available in respect of the Respondent's personal circumstances such as their lack of dependants and known health issues. The Tribunal also had regard to the Applicant's position that the Property had been purchased as a retirement investment and he had reached an age where he wished to retire and realise his investment.
23. The Tribunal's decision was unanimous.

Decision

The Tribunal determined that an order for possession should be 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.

Lauren Rae

3rd July 2026

Legal Member/Chair

Date