



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 (“the 1988 Act”) and Rule 66 of The First-tier Tribunal for Scotland Housing and Property Chamber (Rules of Procedure) Regulations 2017 (“the 2017 Rules”)

Tribunal Ref: FTS/HPC/EV/25/5574

Property Address: 24 High Street, New Pitsligo, Aberdeenshire, AB43 6NL (the Property)

Mrs Alice Walker, The Well, Lowe Mains, Dollar, FK14 7LN, Mr Tom Walker, Airylea, High Green, Gardenstown, Aberdeenshire, AB45 3YN, Mr Jack Walker, 2A Seatown, Gardenstown, Aberdeenshire, AB45 2YQ and Ben Sier, 17 Malvern Road, Leytonstone, London, E11 3DJ (the Applicants)

Miss Patricia McAllister, 24 High Street, New Pitsligo, Aberdeenshire, AB43 6NL (the Respondent)

Tribunal Members:

Ms. Susanne L M Tanner K.C. (Legal Member)

Ms. Ahsan Khan (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the tribunal”):

- (i) was satisfied in terms of Section 33 of the 1988 Act that the short assured tenancy for the Property has reached its end; tacit relocation is not operating; no further contractual tenancy (whether a short assured tenancy or not) is for the time being in existence; and that the Applicants have given to the Respondent two months’ notice stating that they require possession of the house; and that it was reasonable to make an order for possession; and**
- (ii) made an order for possession in terms of Section 33 of the 1988 Act.**

The decision of the tribunal was unanimous.

Statement of Reasons

1. The Applicants made an application to the tribunal on 19 December 2025, in terms of Section 33 of the Housing (Scotland) Act 1988 ("the 1988 Act") and Rule 66 of the First-tier Tribunal for Scotland Housing and Property Chamber (Rules of Procedure) Regulations 2017 ("the 2017 Rules").
2. The Applicants seek the Respondent's eviction from the Property under Section 33 of the 1988 Act (possession on termination of a short assured tenancy).
3. The Applicants lodged supporting evidence with the application:
 - 3.1. Form AT5 dated 28 January 2017;
 - 3.2. Notice to Quit with proof of service on 3 October 2025;
 - 3.3. Section 33 Notice dated 2 October 2025;
 - 3.4. Copy Section 11 Notice to the local authority;
 - 3.5. Short Assured Tenancy Agreement between Kate Crawford and the Respondent dated 4 March 2017.
4. The tribunal's administration obtained the title deeds for the property, which shows that the Applicants have been the registered proprietors of the Property since 13 December 2023.
5. The tribunal's administration checked registration details for the Property with Landlord Registration Scotland which show that the Applicants are the registered landlords.
6. The Application was accepted for determination and a Case Management Discussion (CMD) was fixed by teleconference on 29 July 2026 at 1000h.
7. Parties were notified by letter dated 24 June 2026 of the date, time and place of the CMD and told that they were required to attend. Parties were also advised in the same letter that the tribunal may do anything at a CMD which it may do at a hearing, including making a decision on the Application, which may involve making or refusing an eviction order. If parties do not attend the CMD this will not stop a decision or order being made by the tribunal if the tribunal considers that it has sufficient information before it to do so and the procedure has been fair. The Respondent was required to submit written representations in response to the Application to the tribunal's offices by 15 July 2026.
8. The Application paperwork and notification of the date, time and place of the CMD was personally served on the Respondent by Sheriff Officers on 24 June 2026.

9. The Respondent did not lodge any defence or written representations or make any contact with the tribunal.

Case Management Discussion (CMD): 29 July 2026 at 1000h by teleconference

10. Mrs Alice Walker and Mr Ben Sier, two of the Applicants, attended on behalf of themselves and the other two Applicants, Mr Tom Walker and Mr Jack Walker, who are their other siblings.
11. The Respondent did not attend and did not make any contact with the tribunal. The tribunal was satisfied that the requirements of rule 24(1) of the 2017 Rules regarding the giving of notice of a hearing had been duly complied with and proceeded with the Application upon the representations of the parties present and all the material before it.

Applicant's submissions

12. The Applicants explained that the four Applicants were siblings who had inherited the Property from their mother, Kathleen (Kate) Crawford. It is part of a larger property which was originally one house and their mother had split it into two properties. The AT5 and short assured tenancy for the Property are in their mother's name. The Applicants took over as owners and landlords in or around November 2023 when ownership transferred to them.
13. The Applicants stated that they no longer wish to be landlords. The Property and the neighbouring property cost more to maintain than they receive in rent. The Applicants inherited a long-term arrears issue at the neighbouring property and the Applicants had to raise proceedings in relation to that. In respect of this Property, the Applicants stated that it is not suitable for the Respondent. She is around 60 years old and has mobility issues. She is only living in the downstairs of the Property. She is unable to keep the Property in a good state of repair. The Property is not suitable for the Respondent. The Applicants have offered to consider adaptations but no disabilities have been notified to them and the house is not adapted for any disabilities.
14. The Applicants have been in contact with the Respondent in relation to the end of the tenancy, by phone, message and correspondence. They have told her that they wish to sell the Property. They have offered the Respondent support with seeking re-housing via the local authority. The Respondent told the Applicants that she had applied for local authority housing. The Applicants have been told by the local authority that the Respondent has made contact with them but she has not made an application for re-housing yet.

15. The Respondent has a sister who has offered to help the Respondent and has offered her a place to stay.
16. The Respondent's rent account is up to date. There was a recent change in payment dates when she became 60.
17. The tribunal adjourned to consider the written and oral submissions and all the material before it.

18. The tribunal makes the following findings-in-fact:

- 18.1. The Applicants are the registered proprietors of the Property.
- 18.2. There was a short assured tenancy between the Applicant's mother Kathleen Crawford and the Respondent for the initial period from 4 March 2017 to 4 March 2020.
- 18.3. Thereafter the tenancy continued by tacit relocation on a monthly basis and relocated until 4 December 2025.
- 18.4. The Applicants inherited the Property from their mother and became the landlords for the tenancy.
- 18.5. The short assured tenancy reached its end on 4 December 2025, by service on behalf of the Applicants on the Respondent of a Notice to Quit on 3 October 2025, notifying the Respondent that the tenancy would reach its termination date as at 4 December 2025.
- 18.6. Tacit relocation is no longer operating;
- 18.7. No further contractual tenancy is for the time being in existence.
- 18.8. A Section 33 notice was served on behalf of the Applicants on the Respondent on 3 October 2025, notifying the Respondent that the Applicant required vacant possession as at 4 December 2025.
- 18.9. The Applicants have given to the Respondent at least two months' notice stating that they require possession of the Property.
- 18.10. The Application to the tribunal was made on 19 December 2025.
- 18.11. The Respondent is around 60 years old and has mobility issues.

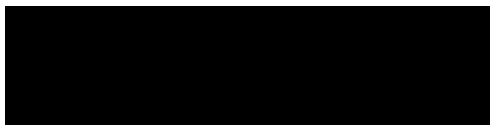
- 18.12. The Respondent is living in the downstairs of a two storey property.
- 18.13. The Respondent is unable to keep the Property in an acceptable state.
- 18.14. The Property is not suitable for the Respondent.
- 18.15. The Respondent does not have any rent arrears.
- 18.16. The Respondent has not made an application to the local authority for re-housing.
- 18.17. The Respondent's sister has offered her a place to stay.

Discussion

19. No defence or written representations were lodged by the Respondent in response to the Application and she failed to attend the CMD.
20. The tribunal is satisfied that the requirements of Section 33 of the 1988 Act are met.
21. The tribunal is satisfied that in all the circumstances and on the basis of the findings of fact, it is reasonable to make an order for possession of the Property.
22. The tribunal made an order for possession.

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.



Ms. Susanne L M Tanner K.C.
Legal Member/Chair

29 July 2026