

**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 33 of the Housing (Scotland)
1988**

Chamber Ref: FTS/HPC/EV/26/0157

Re: Property at 43 Kirkland Avenue, Ballingry, Fife, KY5 8JS (“the Property”)

Parties:

**Mr Alistair McCann, Mrs Jacqueline McCann, 4 Mucklestane Court, Fife, KY5
8BB (“the Applicants”)**

**Ms Samantha Campbell, 43 Kirkland Avenue, Ballingry, Fife, KY5 8JS (“the
Respondent”)**

Tribunal Members:

Nairn Young (Legal Member) and Ahsan Khan (Ordinary Member)

Decision (in absence of the Respondent)

**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 Applicants in terms of a short assured tenancy agreement. It called for case management discussion (‘CMD’) at 2pm, by teleconference. The Applicants were on the call in-person. The Respondent was not on the call or represented.

Notice of the application and CMD was served on the Respondent by sheriff officers on 9 July 2026. The Tribunal was therefore satisfied that she was aware of the application and had chosen not to defend it.

- Findings in Fact

The following facts, as set out in the application, were relied upon by the Tribunal in making its decision:

1. The Respondent let the Property from the Applicants in terms of a short assured tenancy agreement with an initial term of six months, commencing 10 April 2016.
2. In terms of the agreement, after the initial term, the lease would run on month-to-month unless previously terminated by either party.
3. Following its initial term, the lease ran on in this manner until 10 January 2026.
4. That termination was effected by the Applicants serving notice to quit on 20 October 2025, along with notice that they required possession of the Property at termination, in terms of s.33(1)(d) of the Housing (Scotland) Act 1988 ('the Act').
5. The Applicants wish to sell the Property as part of a process of liquidating their property portfolio, as they are retiring from the letting business.
6. The Respondent is in arrears of rent of approximately £4,000.
7. The Respondent wishes to be rehoused by the local authority, but will not receive support from them unless an order for possession has been granted against her.

- Reasons for Decision

8. 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 Applicant wishes to sell the Property

and the Respondent has not suggested it is unreasonable for them to be allowed to do so. In any event, she has significant arrears of rent, a situation which it is not reasonable to expect the Applicants to continue to put up with. It seems clear that the Respondent requires to be rehoused with support from the local authority, which she will not receive unless an order is made. The requirements of s.33 of the Act are therefore met and an order should be granted.

- 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

Legal Member

Date: 12/08/2026