



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/26/0501

Re: Property at Flat 2, 36 Castle Street, Forfar, DD8 3AB (“the Property”)

Parties:

Ms Susan Roberts, Troodos, 22a St. James Road, Forfar, DD8 1LG (“the Applicant”)

Miss Amanda Meldrum, Flat 2, 36 Castle Street, Forfar, DD8 3AB (“the Respondent”)

Tribunal Members:

Julie McKinlay (Legal Member) and Ahsan Khan (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant is entitled to the order sought for recovery of possession of the Property.

Background

1. The Applicant submitted an application under Rule 66 of the Housing and Property Chamber Procedure Regulations 2017 (“the Rules”) for an order to evict the Respondent from the property.
2. A Convenor of the Housing and Property Chamber (HPC) having delegated power for the purpose referred the application under Rule 9 of the Rules to a case management discussion (“CMD”).
3. A CMD was set to take place on 16 July 2026, and appropriate intimation of the hearing was given to all parties.

4. The application was heard together with a conjoined application involving the same parties for a payment order under tribunal reference FTS/HPC/CV/26/0504.

The Case Management Discussion

5. The CMD took place by conference call. The Applicant was represented by Mr Skea of Bell Ingram. The Respondent appeared. The Tribunal explained the purpose of the CMD.
6. The Respondent explained that she did not oppose the granting of the order for recovery of possession of the Property. She lives in the Property with her three adult children and a child of nine years old who has autism. In her view the property is not fit to live in. Two of the bedrooms were unfit to sleep in. As a result two of her adult children were sleeping in the living room. Due to the condition of the Property the Respondent has not paid rent for at least a year. She will not consent to Universal Credit being paid directly to the Applicant. The Respondent is actively looking for alternative accommodation and is registered as homeless with Angus Council. The Respondent asked for an extension to the period in which the order can be implemented as she will need to prepare the nine-year-old child for a move which will take time.
7. The Applicant accepted that there had been complaints as to the condition of the Property. Some repairs had been carried out but the Applicant could not afford to do any further repairs and sought recovery of possession to either carry out repairs or sell the Property. The Applicant is the tenant, the owner of the Property being her former husband. The Applicant has his permission to sub-let the Property to the Respondent. The Applicant sought payment in full of the arrears of rent.

Findings in Fact

8. The Applicant is the landlord of the Property having permission from the owner to sublet the property to the Respondent. The Respondent is the tenant of the Property.
9. The tenancy is a short assured tenancy which commenced on 1 November 2016. The Tenancy was for a period of 6 months. The tenancy has continued on a month-to-month basis following the expiry of the fixed term.
10. The Applicant served a Notice to Quit and Notice in terms of section 33 of the Housing (Scotland) Act 1988 on the Respondent by special delivery post on 21 August 2025 giving a period of two months' notice to quit.
11. On 30 January 2026, the Applicant applied to the Tribunal for an order for possession based on the operation of section 33.

12. The short assured tenancy had reached its end. Tacit relocation was not operating. No further contractual tenancy was operating.

Reason for Decision

13. The Tribunal was satisfied that it could make relevant findings in fact to reach a decision following the CMD and that to do so would not be contrary to the interest of the parties in this case.
14. The Tribunal proceeded on the basis of the documents lodged and the information provided at the CMD. The Applicant served a notice to quit and a notice in terms of section 33 of the Housing (Scotland) Act 1988. The conditions of section 33 had been satisfied in respect that the tenancy had reached its end, tacit relocation was not operating, and no further contractual tenancy was in operation. The Applicant sought recovery of the Property as they could not afford to carry out the necessary repairs. The Respondent was clear that she had not been meeting her obligation to pay rent for at least a year and did not intend to do so given the condition of the Property. The Respondent did not consider the Property to be habitable. She had been accepted by Angus Council as homeless. The Tribunal was persuaded that it was reasonable to grant an order for eviction.
15. At the request of the Respondent the Tribunal considers that it is reasonable to delay the date on which the order for eviction may take effect. This will give time for the Respondent to prepare the nine-year-old child who has autism for the move and make necessary arrangements. Although the Respondent made clear she did not intend to pay rent during this period, the Tribunal considered that nonetheless it was in the interest of the child for the period to be extended. The order for eviction will not come into effect for a period of 12 weeks.

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.

