



**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 Act”)**

**Chamber Ref: FTS/HPC/EV/23/1523**

**Re: Property at 17a Robertson Crescent, Newburgh, Fife, KY14 6AW (“the  
Property”)**

**Parties:**

**Mr Ian Paton, Ms Rachel Fraser, 66 Lomond Crescent, Falkland, Fife, KY15 7AH  
 (“the Applicant”)**

**Ms Samantha Barbara Stewart, 17a Robertson Crescent, Newburgh, Fife, KY14  
6AW (“the Respondent”)**

**Tribunal Members:**

**Andrew McLaughlin (Legal Member) and Elizabeth Williams (Ordinary Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the  
Tribunal”) granted the Application and made an Eviction Order.**

**Background**

[1] The Applicant seeks an Eviction Order under section 33 of the Act. The Application is accompanied by a copy of the tenancy agreement with Form AT5, the relevant notice under section 33 of the Act along with the notice to quit and proof of service. There is also evidence of compliance with section 11 of the Homelessness (etc) (Scotland) Act 2003.

**The Case Management Discussion**

[2] The Application called for a Case Management Discussion (CMD) by conference call at 2pm on 18 September 2023. All parties were present. The Tribunal discussed the basis of the Application with all and noted that there was no objection to the Application by the Respondent.

[3] Having heard from parties, the Tribunal made the following findings in fact.

## Findings in Fact

- I. *The parties entered into a tenancy agreement whereby the Applicants let the Property to the Respondents on a Short Assured Tenancy;*
- II. *The Applicants competently served a notice under s33 of the Act together with a Notice to Quit. The Applicants have also complied with s11 of the Homelessness (etc) (Scotland) Act 2003;*
- III. *The Applicants wish to retire and are ending their career as landlords;*
- IV. *The Respondent herself considers the Property no longer appropriate for her and her family as she wishes her two sons to each have their own bedroom;*
- V. *The Applicants have complied with all legislative and procedural requirements and it is reasonable that an Eviction Order is granted.*

## Decision

Having made the above findings in fact, the Tribunal granted the Application and made an Eviction Order.

## 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.**



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Legal Member/Chair

**18 September 2023**  
Date