



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/25/0515

Re: Property at 37a Titchfield Road, Troon, KA10 6AN (“the Property”)

Parties:

Mr Samuel Small, Mrs Ruth Small, 40 Tamblough Road, Randalstown, Northern Ireland, BT41 3DP (“the Applicant”)

Miss Victoria Firth, 37a Titchfield Road, Troon, KA10 6AN (“the Respondent”)

Tribunal Members:

Gabrielle Miller (Legal Member) and Ann Moore (Ordinary Member)

Decision

The First-tier Tribunal for that the order for recovery and possession should be granted in favour of the Applicant Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the order for recovery and possession should be granted in favour of the Applicant. The extract of the Order is superseded until 12pm on 2nd February 2026.

Background

1. This is an application in terms of Rule 66 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”). An application was received by the Applicant dated 6th February 2025. The Applicant is seeking an order for recovery of possession in terms of section 33 of the Act.
2. On 8th October 2025, all parties were written to with the date for the Case Management Discussion (“CMD”) of 17th November 2025 at 10am by teleconferencing. The letter also requested all written representations be submitted by 29th October 2025.

3. On 9th October 2025, sheriff officers served the letter with notice of the hearing date and documentation upon the Respondent by letterbox service. This was evidenced by Certificate of intimation dated 9th October 2025.
4. On 24th October 2025, the Respondent's representative emailed the Housing and Property Chamber lodging authorisation to act on her behalf. On 28th October 2025, the Respondent's representative then emailed to lodge a submission opposing the granting of an order.
5. On 6th November 2025, the Applicants' representative lodged confirmation of the position with the Applicant's mortgage and the consequences of it not being fully paid at the end of the mortgage.

Case Management Discussion

6. The Tribunal held a Case Management Discussion ("CMD") on 17th November 2025 at 10am by teleconferencing. The First Named Applicant was present. The Second Named Applicant was not present. Both were represented by Ms Meaghan McDairmid, Hovepark Lettings Ltd. The Respondent was not present but was represented by Mr David Anderson, Advocacy and Tribunal Officer, Ayr Housing and Aid Centre.
7. Ms McDiarmid said that the Applicants were still seeking an order for eviction. Nothing has changed since she lodged her submission.
8. Mr Anderson said that the Respondent did not oppose the granting of an order but required more time to allow her accommodation to be determined. He received a telephone call on Friday 14th November 2025 from the Respondent advising that the Respondent had paid £1500 as a deposit for a private tenancy. He does not believe that this means that the tenancy is guaranteed as it is subject to references. There is no clear date of entry. He has had that confirmed during the CMD that it is an offer for a tenancy subject to references. In addition he has been contacted to advise that her local authority has offered her a property. However, this is 50 miles from her current house and will need some repairs done. He does not know how long those repairs will take. This allocation is from a general housing allocation. The Respondent will have one more offer after this one. She refused her homeless allocation as she did not like the area. He believes that the Respondent likes where she lives and does not want to move. This means her local authority has discharged their duty to rehouse. If she does not get rehoused prior to eviction, she will be homeless without the local authority being required to assist her. Mr Anderson said that he found her to be very vulnerable with mental health problems. He was very concerned for her in terms of where she will go. He motioned that the Tribunal either continue to another CMD or supersede the extract until mid January 2026.
9. Mr Anderson said that he had concerns about the Respondent's mental health and that she may not understand the process. However, part of his remit is to assist her to be rehoused with a local authority house or housing association house. He noted that he will be talking to the local authority regarding the refusal

of the homeless property as the Respondent may not have understood the consequences. He said that the Applicants representative had referred the Respondent for an adult concern report. Ms McDiarmid said that it was her colleague who did this after an inspection. A referral would have been made to social services. Mr Anderson confirmed that currently the Respondent was not being supported by any specialist services other than his own.

10. The First Named Applicant said that he was sympathetic to the Respondent's position but that his mortgage company has only given him until the end of May 2026 to sell the Property and pay off the outstanding sum due. He is aware that there will need to be repairs and redecoration undertaken to get the Property to a point where it can be sold. He is happy for the Respondent to be in the Property for a bit longer but does want it back to undertake those renovations and sell it before the May 2026 deadline. If this does not happen, he has been told that he will have to pay £1900 per month as repayment of the amount outstanding. This is not affordable. The stress of this situation is affecting the Second Name Applicant's health.
11. Ms McDiarmid said that there are no tenancy issues. There are no rent arrears or antisocial behaviour. The Respondent's communication is variable but Ms McDiarmid attributes that to her vulnerabilities.
12. Mr Anderson said that a hearing would not been needed as the Respondent is overall not opposing an order but motioned again for the Respondent to get more time until the end of January/beginning of February 2026.
13. The Tribunal granted an order for eviction. It did not consider that that the granting of an order was unreasonable given that it was not opposed and that the Respondent is looking for alternative accommodation. In addition, the Applicants are required to sell the Property by the end of May 2026. The Tribunal considered it reasonable to supersede the extract of the Order until Monday 2nd February 2026.

Findings in Fact and Reasons for Decision

14. The parties entered into a Short Assured Tenancy on 11th May 2017 for a 6 months period thereafter continued on a month to month basis The rent payments of initially £525 and latterly £620 are due on the eleventh day of each month.
15. The Applicants have an interest only mortgage which has reached the end of its term. Their mortgage company has granted an extension to the end of May 2026 to allow the Property to be sold. Due to their ages, they cannot take out a repayment mortgage. They cannot afford to make potential repayment rate of £1900 per month.
16. The Respondent has paid a deposit for an alternative property. She has also been offered a property by her local council and refused their offer for her

homeless allocation. She is now being assisted by Ayr Housing and Aid Centre in terms of her accommodation.

17. There are no tenancy issues caused by the Respondent.

18. The Tribunal was satisfied that there were no other issues of reasonableness before them and that the notices had been served in an appropriate manner and that a Short Assured Tenancy had been entered into by the parties. Given this the Tribunal was satisfied all appropriate paperwork had been served the Order for repossession was granted.

Decision

19. The Applicant is entitled to an Order of for recovery of possession. The Tribunal superseded the extract of the Order until 2nd February 2026.

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.

Gaby Miller

Legal Member/Chair:

Date: 17th November 2025