



**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/25/5350**

**Re: Property at 5 The Maltings, Sea Wynd, Aberlady, Longniddry, EH32 0SD  
("the Property")**

**Parties:**

**Mrs Evelyn Flockhart, 22 Wilson Place, Dunbar, EH42 1GG ("the Applicant")**

**Mr Michael Brown, 5 The Maltings, Sea Wynd, Aberlady, Longniddry, EH32 0SD  
("the Respondent")**

**Tribunal Members:**

**Nicola Irvine (Legal Member) and Robert Buchan (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 & 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. Letters were issued on 26 May 2026 informing both parties that a CMD had been assigned for 26 June 2026 at 10am, which was to take place by conference call. In that letter, the parties were also told that they were required

to take part in the discussion and were informed that the Tribunal could make a decision on the application at the CMD if the Tribunal has sufficient information and considers the procedure to have been fair. The Respondents were invited to make written representations by 16 June 2026. No written representations were received by the Tribunal.

### **The case management discussion – 26 June 2026**

4. The CMD took place by conference call. The Applicant was represented by Miss Donnelly, solicitor. The Respondent joined the call and represented himself. The Tribunal explained the purpose of the CMD.
5. The Respondent did not oppose the application but he does not have alternative accommodation to go to. He is unemployed and lives alone at the Property. He has been in touch with the local authority and has been told that he should make contact again after the outcome of this CMD is known.
6. The Applicant's representative advised that there is a typographical error at section 1.7 of the tenancy agreement and the address noted in that section should in fact have been recorded at section 1.6. As the application narrates, the Applicant seeks to recover possession to enable her granddaughter to rent the Property for a while with a view to buying the Property. The basis upon which recovery of possession is sought is that by operation of section 33, the tenancy has been brought to an end at the ish date.
7. The Tribunal adjourned the CMD to enable the members to consider the information provided by both parties. When the CMD was reconvened, the Tribunal explained that it found the conditions of section 33 had been met and that it was reasonable to grant an order for eviction.

### **Findings in Fact**

8. The Applicant is the owner and landlord of the Property at 5 The Maltings, Sea Wynd, Aberlady, Longniddry, EH32 0SD.
9. The Respondent is the tenant of the Property.
10. The tenancy in question is a short assured tenancy which commenced on 17 December 2012. The tenancy has continued by tacit relocation.
11. The Applicant served Notice to Quit and Notice in terms of Section 33 of the Housing (Scotland) Act 1988 on the Respondent by sheriff officer on 19 March 2025.
12. On 10 December 2025 the Applicant applied to the Tribunal for an order for possession based on the operation of section 33 of the Housing (Scotland) Act 1988.

13. The short assured tenancy had reached its end.

14. Tacit relocation is not operating.

15. No further contractual tenancy is operating.

### **Reason for Decision**

16. The Tribunal was satisfied that it could make relevant findings in fact in order to reach a decision following the CMD, and that to do so would not be contrary to the interests of the parties in this case.

17. 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.

18. In considering the issue of reasonableness, the Tribunal took account of the following factors: The Applicant intends to let the Property to her granddaughter with a view to selling it to her. The Respondent did not oppose the application although he does not have alternative accommodation. He lives alone and has been in contact with the local authority. Taking account of these matters the Tribunal was persuaded that it was reasonable to grant an order for eviction.

### **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.**

# Nicola Irvine

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Legal Member/Chair

**26 June 2026**

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Date