



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 and Rule 66 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules)

Chamber Ref: FTS/HPC/EV/25/4084

Re: Property at 0/1 71 Wilverton Road, Glasgow, G13 2NW (“the Property”)

Parties:

Mr John McCawley, 30 Norwood Drive, Glasgow, G46 7LS (“the Applicant”)

Ms Annemarie McKnight, 0/1 71 Wilverton Road, Glasgow, G13 2NW (“the Respondent”)

Tribunal Members:

Andrew Cowan (Legal Member) and Mary Lyden (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the statutory requirements for eviction and recovery of possession have been established and that it is reasonable to grant the order sought.

Background

1. By application dated 18th September 2025, the Applicant sought an order under section 33 of the Housing (Scotland) Act 1988 (“the Act”) and in terms of rule 66 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017.
2. On 27th October 2025 the application was accepted by the tribunal and referred for determination by this Tribunal.

3. A Case Management Discussion was arranged to take place on 30th March 2026, and appropriate intimation of that hearing was given to all parties.

The Case Management Discussion

4. The Case Management Discussion (CMD) took place on 30th March 2026 by telephone conference call. The Applicant joined the CMD by telephone call.
5. The Respondent was represented at the CMD by Ms Petrescu, Solicitor, from Govan Law Centre. The Respondent did not join the CMD.

Discussions at CMD

6. At the start of the CMD the Applicant confirmed that he wished to seek an order for eviction of the Respondent from the Property. The Respondent's solicitor confirmed to the tribunal that the Respondent did not wish to oppose the application for an eviction order. The solicitor explained that the Respondent wished the opportunity to seek alternative housing from the local authority. On that basis she asked the Tribunal to delay the eviction order to allow the Respondent time to make an application for housing to the local authority. The Applicant confirmed to the tribunal that he did not oppose the delay of the eviction order for the period of three months. The Applicant confirmed that he was willing to delay the date after which an eviction order could be enforced to 30th June 2026. On that basis, the Respondent's solicitor did not wish to argue that the grant of an order of eviction would be unreasonable.

Findings in Fact

7. The Applicant and the Respondent, are, respectively, the landlord and the tenant, who entered into a short assured tenancy of the Property by an agreement dated 27th April 2016.
8. The tenancy is a short assured tenancy in terms of the Act.
9. The Applicant has served upon the Respondent a notice to quit and a notice in terms of section 33 (1) (d) of the Act, both notices being dated 31st January

2025. These notices were served on the Respondent by Recorded Delivery mail. Said notices became effective on 27th April 2025.

10. The notices informed the tenant that the landlord wished to seek recovery of possession using the provisions of section 33 of the Act.

11. The notices were correctly drafted and gave appropriate periods of notice as required by law.

12. The basis for the order for possession was accordingly established.

13. A section 11 notice in terms of the *Homelessness Etc. (Scotland) Act 2003* was served by email upon Glasgow City Council by the Applicant, on 31st January 2025.

Decision and reasons

14. An eviction order can only be granted if the Tribunal is satisfied that it is reasonable to issue an eviction order

15. In determining whether it is reasonable to grant the order, the tribunal is required to balance all of the evidence which has been presented and to weigh the various factors which apply to the parties.

16. In this case the tribunal finds that it is reasonable to grant the order.

17. The Respondent has confirmed that she does not wish to oppose the application, provided that the date of enforcement of any eviction order is not prior to 30th June 2026.

18. The Tribunal have determined that, having considered all the relevant circumstances, the balance of reasonableness in this case weighs towards the Applicant.

19. The Tribunal's order for eviction shall not be enforceable before 30th June 2026.

20. The Tribunal also exercised the power within rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 and determined that a final order should be made at the CMD

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.

Andrew Cowan

30th March 2026

Legal Member/Chair

Date