



**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/25/5032**

**Re: Property at Flat 1/2, 83 Cumming Drive, Glasgow, G42 9AW (“the Property”)**

**Parties:**

**Mr Syed Asim Ali Shah, 19 Fullbourne Road, London, E17 4AX (“the Applicant”)**

**Mr Edward Murray, Flat 1/2, 83 Cumming Drive, Glasgow, G42 9AW (“the Respondent”)**

**Tribunal Members:**

**Nairn Young (Legal Member) and Elizabeth Williams (Ordinary Member)**

**Decision (in absence of the Respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that**

- Background

This is an application for an order for possession of the Property, which was let to the Respondent by the Applicant in terms of a short assured tenancy agreement. It called for case management discussion (‘CMD’) at 2pm, by teleconference. The Applicant was represented on the call by Mr Atif Ahmed of The Property Store. The Respondent was not on the call or represented. The commencement of the CMD was delayed by 10 minutes in case he was having any technical difficulty; but there remained no contact from him.

Notice of the application and CMD were served on the Respondent by sheriff officers on 6 May 2026. The Tribunal was therefore satisfied that he was aware of the matter and had chosen not to oppose the application.

- Findings in Fact

The following unopposed facts, as set out in the application, were relied upon by the Tribunal in making its decision:

1. The Respondent let the Property from the Applicant in terms of a short assured tenancy agreement with an initial term of six months, commencing 22 July 2009.
2. In terms of the agreement, the lease would run month to month thereafter, unless terminated by either party giving two months notice to the other.
3. Following its initial term, the lease ran on in that way, until 22 September 2025.
4. That termination was effected by the Applicant serving notice to quit on 18 July 2025, along with notice that he required possession of the Property at termination, in terms of s.33(1)(d) of the Housing (Scotland) Act 1988 ('the Act').
5. The Applicant wishes to sell the Property in order to reinvest the capital in extending his family home.
6. The Respondent lives at the Property on his own and has been told that he will not receive support in finding a new property, until an order for his eviction is granted.

- Reasons for Decision

7. The tenancy has reached its end and tacit relocation is not operating. The notice required by s.33(1)(d) of the Act was served. It is reasonable for an order for possession to be granted. The Applicant wishes to sell the Property and the Respondent has not suggested it is unreasonable for him to be allowed to do so. He will not be given support to relocate without an order for his eviction. The requirements of s.33 of the Act are therefore met and an order should be granted.

- Decision

**Order for possession granted.**

**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.

**Nairn Young**

**Legal Member/Chair**

**9<sup>th</sup> June 2026**

**Date**

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