



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/26/0655

Re: Property at Flat 1/1, 5 Shaftesbury Street, Clydebank, G81 4DS (“the Property”)

Parties:

Ms Amy Young, 238 Knightswood Road, Glasgow, G13 2EY (“the Applicant”)

Mr Audrey Smith, Flat 1/1, 5 Shaftesbury Street, Clydebank, G81 4DS (“the Respondent”)

Tribunal Members:

Gabrielle Miller (Legal Member) and Gerard Darroch (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application for an order for recovery and possession should be granted in favour of the Applicant.

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 Housing and Property Chamber dated 10th February 2026. The Applicant is seeking an order for recovery of possession in terms of section 33 of the Act.
2. On 11th August 2026, all parties were written to with the date for the Case Management Discussion (“CMD”) of 16th September 2026 at 2pm by teleconferencing. The letter also requested all written representations be submitted by 1st September 2026.
3. On 13th August 2026, sheriff officers served the letter with notice of the CMD date and documentation upon the Respondent by letterbox service. This was evidenced by Certificate of Intimation dated 13th August 2026.

Case Management Discussion

4. The Tribunal held a Case Management Discussion ("CMD") on 16th September 2026 at 2pm by teleconferencing. The Applicant was present. The Respondent was not present. The Tribunal proceeded in terms of Rule 29 of the Rules. The Tribunal considered the Application. The Respondent did not lodge any representations prior to the CMD.
5. The Applicant said that she has an amicable relationship with the Respondent. There are no tenancy issues. The Applicant believes that the Respondent has spoken to her local authority who have told the Respondent that they are trying to offer her a property.
6. The Applicant said that there have been substantial changes in her family situation. Her stepfather has died which has left her elderly mother a widow. She lives in Wales and requires to come to visit much more frequently. The Applicant's daughter is 19 years old and wants to move into the Property. She is at university in Glasgow but has a job related to her course in Clydebank. It will be much easier for her to live in the Property. It will be better for the family as the Applicant's mother will have a spare room to use when she visits.
7. The Applicant said that it is a three bedroomed property. Her daughter has no plans to rent out the other rooms at the moment.
8. The Applicant is not aware of the Respondent having any disabilities or vulnerabilities. She believes that the Respondent lives in the Property with her three dependent children, the youngest she thinks is around 2 years old.

Findings in Fact

9. The parties entered into a Short Assured Tenancy on 21st June 2010 for a 6 months period. An AT5 was signed by both parties prior to the start of the lease. The rent payments of £127 per week which are due four weekly.
10. The Applicant is the registered owner of the Property.
11. The Applicant's daughter now wants to live in the Property. It is more convenient for her job which is connected to her university course. This will allow the Applicant to have a spare room for her elderly mother to use when visiting. It is intended that she will visit more regularly.
12. The Respondent lives in the Property with her three dependent aged children. The Respondent is not known to have any disabilities or vulnerabilities other than her young children.
13. The Respondent has not put in any representations opposing an order being granted.

14. The Tribunal was satisfied that there were no issues of reasonableness which prevented an order for eviction being granted.

Reasons for Decision

15. 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

16. The Applicant is entitled to an Order for recovery of possession.

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.

Gabrielle Miller

16th September 2026

Legal Member/Chair

Date