

**Housing and Property Chamber**  
First-tier Tribunal for Scotland

---



**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/24/0890**

**Re: Property at 20 Langside Drive, Blackridge, EH48 3RP (“the Property”)**

**Parties:**

**Omasmay Developments Ltd, 12 Bruce Court, Cardross, Argyll and Bute, G82 5QN (“the Applicant”)**

**Ms Kimberley Woods, 20 Langside Drive, Blackridge, EH48 3RP (“the Respondent”)**

**Tribunal Members:**

**Lesley-Anne Mulholland (Legal Member) and Elizabeth Williams (Ordinary Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted an Order for Possession in favour of the Applicant against the Respondent.**

1. This is an application under Section 33 of the Housing (Scotland) Act 1988 (“the Act”) for possession of the Property on termination of a Short-Assured Tenancy. The application is made in terms of Rule 66 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Regulations”). Supporting documentation was submitted with the application, including a copy of the Tenancy Agreement, AT5, Notice to Quit, Section 33 Notice and Section 11 Notice to the Local Authority.
2. The Applicant is the Landlord and owner of the property. The Respondent is the Tenant.
3. The CMD note of 26 August 2024 is relied upon for its terms.
4. An evidential hearing took place at 1000am on 22 November 2024 by teleconference. The Applicant’s Representative, Mr McQueenie joined the hearing. The Respondent attended and represented herself.
5. Mr McQueenie asked that an Order for Possession be granted. The Respondent has been given sufficient notice since September 2023. At the time of application, the Respondent had accrued rent arrears of over three months. She started going into arrears of more than 3 months in January 2022 and between then and November 2024 had been in and out of arrears, on several occasions, for more than 3 months. This has put a strain on the landlord who wishes to sell the property.

6. At the time of the hearing, the Respondent was 1 month in arrears, having paid the November payment on the day of the hearing.
7. The Respondent still has no fixed date when the home she is building is due for completion and occupancy and hopes it will be ready in February 2025. She was notified by the Applicant that they intended to sell in 2020 and she hoped that her new build home would be ready by then. She did not have any information to detract from the Applicant's assertion that they intend to sell the property. She has looked for a short-term let for 3 months but cannot find any. She had not moved into another property at an earlier stage when it may have been possible to secure a longer let as she was juggling to try to finish her new build. She was not aware of any friends and family who could put her up until her home was completed. She would approach the Local Authority to house her temporarily until her home was ready.
8. With reference to the CMD note, the Applicant produced a chain of emails to demonstrate that an agreement was not reached that rent arrears would be reduced to cover the cost of replacement carpeting which the Respondent had paid for. The Respondent accepted that at best, she had approached the landlord to see if they would meet the cost of replacement carpets but no agreement had been reached.
9. Having considered all of the information and evidence, individually and together, we decided to grant the Order for Possession as it was reasonable to do so. The Applicant had served the correct notices and paperwork and had given the Respondent since 2020 to find another property or complete her new home. The Applicant cannot afford to support the Respondent financially by not taking action for rent arrears to allow the Respondent to have enough money to complete the new build. We accept that the Applicant intends to sell the property as there was no information before us to contradict this.
10. We decided to extend the period of notice to 6 January 2025 to allow the Respondent to remain in the property over the Christmas period as services by the local Authority may be limited.

### **Outcome**

- An Order for Possession is granted against the respondent.

**NOTE: This document is not confidential and will be made available to other First-tier Tribunal for Scotland (Housing and Property Chamber) staff, as well as issued to tribunal members in relation to any future proceedings on unresolved issues.**

Lesley-Anne Mulholland

26 November 2024

---

Legal Member

---

Date