



**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/25/0686

**Re: Property at 102 Cumloddan Drive, Maryhill, Glasgow, G20 0JU (“the
Property”)**

Parties:

**Mrs Michelle McGilp, 22 Blackhill Gardens, Summerston, Glasgow, G23 5NE
(“the Applicant”)**

**Miss Charlene Cullen, 102 Cumloddan Drive, Maryhill, Glasgow, G20 0JU (“the
Respondent”)**

Tribunal Members:

Graham Harding (Legal Member) and Ahsan Khan (Ordinary Member)

Decision

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that the Applicant was entitled to an order for possession
of the property and the removal of the Respondent from the property but that
enforcement of the order should be suspended for a period of three months
from the date of the decision.**

Background

1. By application dated 17 February 2025 the Applicant applied to the Tribunal for an order for possession of the property in terms of Section 33 of the Housing (Scotland) Act 1988 (“the 1988 Act”). The Applicant submitted a copy of a tenancy agreement, Form AT5, Notice to Quit and Section 33 Notice with execution of service, Section 11 Notice, a written statement, evidence of intention to sell the property together with other documents in support of the application.

2. By Notice of Acceptance dated 18 March 2025 a legal member of the Tribunal with delegated powers accepted the application and a Case Management Discussion ("CMD") was assigned.
3. Intimation of the CMD was served on the Respondents by Sheriff Officers on 30 April 2025.
4. By email dated 1 May 2025 the Respondent's representatives, the Legal Services Agency, Glasgow intimated their intention to represent the Respondent and submit written representations on her behalf.
5. By email dated 19 May 2025 the Respondent's representatives submitted written representations on behalf of the Respondent.
6. By email dated 24 May 2025 the Applicant submitted further written representations.

The Case Management Discussion

7. A CMD was held by teleconference on 10 June 2025. The Applicant attended in person supported by her husband. The Respondent also attended in person and was represented by Ms Rebecca Stafford from the Respondent's representatives.
8. After explaining the purpose of a CMD to the parties the Tribunal obtained confirmation from Ms Stafford that there was no opposition to the procedural aspects of the application and that it was agreed that the Respondent commenced a Short Assured Tenancy of the property on 14 February 2012. It was also agreed that the Respondent had been served with a Notice to Quit and Section 33 Notice by Sheriff Officers on 26 November 2024 and that Glasgow City Council had been given notice of the proceedings by way of a Section 11 Notice by email on 17 February 2025. It was also agreed that the Applicant intends to sell the property once vacant possession has been obtained.
9. Ms Stafford confirmed to the Tribunal that the Respondent's objection to the order being granted was based on it not being reasonable to grant the order sought and the Tribunal noted the terms of the written representations for the Respondent particularly at paragraph 3.
10. The Tribunal also noted from Ms Stafford that the Respondent intended to make a homeless application for social housing but had been advised that her application would not be considered unless and until the Tribunal made an order for possession of the property. Ms Stafford also explained that the Respondent, because of her own additional needs and those of her family, had a requirement for specific housing that could take the local authority some time to provide. In the circumstances Ms Stafford submitted that it was her secondary position that if the Tribunal was to

grant an order for possession, enforcement of the order should be suspended for a period of three months.

11. The Tribunal queried with Ms Stafford if the Respondent was agreeing to an order being granted if enforcement was suspended for a three-month period and Ms Stafford confirmed that this was essentially the case. Ms Stafford also suggested that if a hearing on reasonableness was to be assigned it was likely that this would not take place for three or four months.
12. The Tribunal noted that the Applicant had submitted further written representations by email dated 24 May 2025 and queried with the Applicant if in light of the Respondent's representative's submissions she was still objecting to an order being granted but enforcement being suspended for a period of three months. The Applicant submitted that the Notice to Quit had been served on the Respondent in November 2024 and that the Respondent had therefore had sufficient time to apply for homeless accommodation. The Applicant also said that as one of the Respondent's children was over the age of 18, she could apply for her own accommodation. The Applicant spoke of the breakdown in the relationship with the Respondent, the matters raised in her written submissions and the recent incidents referred to in her latest written submissions as well as the concerns she had with regard to payment of rent and difficulties in accessing the property to carry out a gas safety inspection and expressed her wish for the Tribunal to reach a decision on the application without the need to have a hearing. The Tribunal advised the Applicant that it was its understanding that a local authority would not begin to process a homeless application unless and until the Tribunal made an order for possession of the property and Ms Stafford confirmed that this was the case.
13. The Tribunal explained to the Applicant that where facts were disputed it was bound in terms of an Upper Tribunal decision to adjourn the application to be determined at a hearing. The Tribunal also confirmed that it was likely that a hearing would be likely to take place in about three months' time
14. In response to a query from the Tribunal as to whether she wished to continue to a hearing on reasonableness or was prepared to agree to an order for possession with enforcement suspended for a period of three months the Applicant reluctantly agreed to the latter.
15. The Tribunal suggested to Ms Stafford that if a suspended order was granted it would clearly be in the Respondent's interests to ensure that her rent was being paid as failure to do so could impact on her application for social housing and that it would also be helpful if any access issues could be resolved. Ms Stafford undertook to discuss these matters with the Respondent. The Respondent advised the Tribunal that there had been a number of personal issues in her life over the past year which had

impacted on her and the Tribunal confirmed these had been brought to the Tribunal's attention in the written submissions provided by the Respondent's representatives.

Findings in Fact

16. The Respondent commenced a Short Assured tenancy of the property on 14 February 2012.
17. A Notice to Quit and Section 33 notice under Section 33 of the 1988 Act was served on the Respondent on 26 November 2024.
18. A Section 11 Notice was sent to Glasgow City Council on 17 February 2025.
19. The Applicant has instructed MacGregor McLeod Solicitors, Glasgow, and Moving Estate Agents, Glasgow, in the sale of the property once vacant possession has been obtained.
20. The Respondent has not opposed the order being granted subject to enforcement being suspended for a period of three months.
21. The Applicant has consented to the enforcement of the order being suspended for a period of three months.

Reasons for Decision

22. The Tribunal was satisfied from the documents submitted and the oral submissions of both parties that the parties entered into a Short Assured tenancy that commenced on 14 February 2012. The Tribunal was also satisfied that a valid Notice to Quit and Section 33 Notice had been served on the Respondent in terms of Section 33 of the 1988 Act and that proper intimation of the proceedings had been given to Glasgow City Council by way of a Section 11 Notice. The Tribunal was also satisfied from the documents produced that she intends to market the property for sale once she obtains vacant possession of the property.
23. The Tribunal was therefore satisfied that procedurally the criteria for granting an order for the eviction of the Respondent from the property had been met subject to it being reasonable for such an order to be made.
24. Although the Respondent was prepared to proceed to a hearing on reasonableness she was by way of a concession prepared to withdraw her opposition if enforcement of the order for possession was suspended for a period of three months to allow time for the Respondent's homeless application to be processed by the local authority. The Applicant would have preferred the Tribunal to have made a decision on reasonableness

based on the parties' submissions but after it was explained to her that this would result in a hearing being fixed to take place at some time in the future the Applicant agreed to an order being suspended for a period of three months. As there was therefore agreement between the parties the Tribunal did not require to determine the issue of reasonableness as it was no longer opposed by the Respondent.

Decision

25. The Tribunal being satisfied it had sufficient information before it to make a decision without the need for a hearing, finds the Applicant entitled to an order for possession of the property and the removal of the Respondent from the property but that enforcement of the order should be suspended for a period of three months from the date of the decision.

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.

Graham Harding

Graham Harding
Legal Member/Chair

10 June 2025
Date