

# **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/24/4493**

**Re: Property at 6 Threestonehill Avenue, Glasgow, G32 0LX (“the Property”)**

**Parties:**

**Mr Kevin Cairns, 33 Crosshill Road, Strathaven, ML10 6DX (“the Applicant”), and**

**T.M. Residential Ltd, Covault Workspace, Unit 3.9, WS3, Fullarton Road, Glasgow, G32 8YL (“the Applicant’s Representative”) and**

**Ms Gillian McDonald, 6 Threestonehill Avenue, Glasgow, G32 0LX (“the Respondent”)**

**Tribunal Members:**

**G McWilliams- Legal Member**

**H Barclay - Ordinary Member**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determines as follows in the absence of the Respondent:**

**Background**

1. This is an Application brought in terms of Rule 66 (Application for order for possession upon termination of a short-assured tenancy) of The First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure (“the 2017 Rules”).
2. The Applicant, Mr Cairns, and his Representative, had provided the Tribunal, in the Application, with copies of the parties’ short assured tenancy agreement, Form

AT5, Notice to Quit and Sections 33 and 11 Notices with relevant Executions of Service.

3. The Respondent, Ms McDonald, had been validly served by Sheriff Officers with the Application papers, Guidance Notes and Notification of a Case Management Discussion ("CMD"), on 2<sup>nd</sup> June 2025, from the Tribunal on 18<sup>th</sup> March 2025 and the Certificate of Service was produced.

### **Case Management Discussion on 2<sup>nd</sup> June 2025**

4. A CMD proceeded remotely by telephone conference call at 10.00am on 2<sup>nd</sup> June 2025. Mr Cairns and his Representative's Ms P. Cavin attended. The Respondent, Ms McDonald, did not attend and was not represented.
5. Ms Cavin stated that Ms McDonald has resided at the Property, with her two children, since the beginning of the parties' tenancy agreement in April 2013. She said that she understood that Ms McDonald's children had physical and mental health difficulties. Ms Cavin stated that Ms McDonald had recently said to her that she had applied to Glasgow City Council for a suitable, alternative tenancy. She said that Ms McDonald's rent for the Property was paid through her benefit award and is up to date.
6. Mr Cairns stated that he previously rented four properties. He said that he has already sold two of those properties, has approached the tenant of the third property regarding its sale, and wishes to sell the Property for financial reasons. Mr Cairns said that his fixed term mortgage agreement in respect of the Property is ending in August 2025 and he anticipates that a fresh mortgage repayment amount will be in the sum of £550.00. Mr Cairns said that after taking account of other tenancy costs, including his letting agents' fees, his outgoings for the Property will exceed the monthly rental sum of £625.00. Mr Cairns stated that he is now working part time, he and his wife still support their three children, all aged 15, and re-iterated that he wishes to sell the Property to avoid financial loss.

### **Statement of Reasons**

7. In terms of Section 33 of the 1988 Act, the Tribunal shall make an order for possession of a house let on a tenancy if:
  - (a) the short assured tenancy has reached its ish;
  - (b) tacit relocation is not operating;
  - (c) no further contractual tenancy (whether a short assured tenancy or not) is for the time being in existence; and
  - (d) the landlord has given to the tenant notice stating that he requires possession of the house.
8. The Tribunal considered all of the Application papers, including the parties' Short Assured Tenancy agreement ("SAT") and the Form AT5 and Notice to Quit, which had been served on Ms McDonald, as well as the submissions of Ms Cavin and Mr Cairns.

9. Ms McDonald has not lodged any written representations with the Tribunal regarding the Application and, in particular, the reasonableness of the grant of an eviction order. She has not attended the CMD to provide any evidence, and/or make any submission, to oppose and contradict the basis for the order sought by Mr Cairns.
10. Having considered the available documentary evidence and the submissions of Ms Cavin and Mr Cairns the Tribunal finds in fact that the parties' tenancy agreement has been terminated and Mr Cairns has given appropriate notice to the tenant, Ms McDonald, that he seeks to recover possession of the Property. The Tribunal finds in law that the criteria in Section 33 of the 1988 Act have been satisfied and determines that it is reasonable that an eviction order be granted, in particular as Ms McDonald has not made any representations to the contrary.
11. Accordingly, the Tribunal grants an eviction order.

### **Decision**

12. In the circumstances, the Tribunal makes an order for possession of the Property as sought in this Application.

### **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.**

# G McWilliams

**G McWilliams**

---

**Tribunal Legal Member**

**2<sup>nd</sup> June 2025**

---

**Date**