

**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/24/4527

Re: Property at 10 Rowena Avenue, Glasgow, G13 2JH (“the Property”)

Parties:

Ms Hilda Kelly, 50 Airth Drive, Glasgow, G52 1JU (“the Applicant”)

Ms Karen Haldane, 10 Rowena Avenue, Glasgow, G13 2JH (“the Respondent”)

Tribunal Members:

Nicola Irvine (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 Applicant is entitled to the Order sought for recovery of possession of the property.

Background

1. The Applicant submitted an application under Rule 66 of the Housing & Property Chamber Procedure Regulations 2017 (“the Rules”) for an order to evict the Respondent from the property.
2. A Convenor of the Housing and Property Chamber (“HPC”) having delegated power for the purpose, referred the application under Rule 9 of the Rules to a case management discussion (“CMD”).
3. Letters were issued on 5 April 2025 informing both parties that a CMD had been assigned for 10 July 2025 at 10am, which was to take place by conference call. In that letter, the parties were also told that they were required to take part in the discussion and were informed that the Tribunal could make a decision on the application at the CMD if the Tribunal has sufficient information and considers the procedure to have been fair. The Respondent was invited to

make written representations by 26 April 2025. No written representations were received by the Tribunal.

The case management discussion – 10 July 2025

4. The CMD took place by conference call. The Applicant was represented by Mr Jonathan Phillip. The Respondent did not join the call, and the discussion proceeded in her absence. The Tribunal explained the purpose of the CMD.
5. The Applicant's representative explained that the Applicant became a landlord after her husband passed away and she inherited the Property. Substantial work is required to the Property which the Applicant cannot afford to have undertaken. If the Applicant recovers possession of the Property, she intends to sell it. The Respondent's circumstances as known to the Applicant are she lives in the Property with her daughter, she is not in employment, and they have no vulnerabilities. The Applicant's representative has been in contact with the Respondent. She had told the Applicant's representative that she is happy to leave the Property but does not have alternative accommodation. She has been in touch with the local authority and housing associations and has been told that they cannot offer alternative accommodation unless and until an order has been granted, evicting her from the Property. The basis upon which recovery of possession was sought is that by operation of section 33, the tenancy has been brought to an end at the ish date. The Applicant's representative addressed the Tribunal on the validity of the section 33 notice. He submitted that the notice contained a minor error which was not material, and it was clear from the notice that the Respondent was required to move from the Property by 20 September 2024.

Findings in Fact

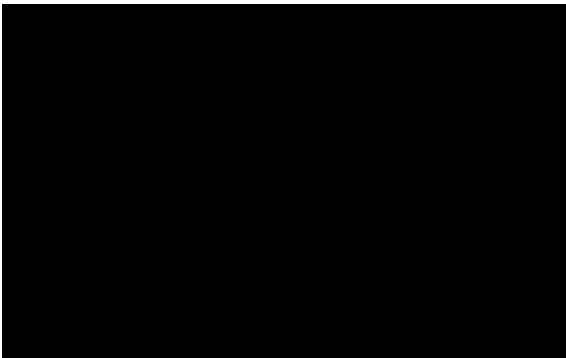
6. The Applicant is the owner and landlord of the Property at 10 Rowena Avenue, Glasgow G13 2JH.
7. The Respondent is the tenant of the Property.
8. The tenancy is a short assured tenancy which commenced on 20 February 2014. The tenancy has continued by tacit relocation.
9. The Applicant served Notice to Quit and Notice in terms of Section 33 of the Housing (Scotland) Act 1988 on the Respondent by recorded delivery post on 2 July 2024.
10. The short assured tenancy had reached its ish.
11. Tacit relocation was not operating.
12. No further contractual tenancy was operating.

Reason for Decision

13. The Tribunal took into account the application and supporting papers and the submissions made at the CMD. The Tribunal was satisfied that it could reach a decision on the application without a hearing under Rule 18 of the Rules and make relevant findings in fact based on the information provided by the Applicant. The Tribunal did not identify any issues to be resolved in this case that would require a hearing to be fixed.
14. Having considered the application, supporting papers, and submissions made at the CMD, the Tribunal accepted that the section 33 notice contained a minor error which was not material. The Respondent had been served with a valid notice to quit and notice in terms section 33 of the Housing (Scotland) Act 1988. The Tribunal was satisfied that the conditions of section 33 had been met in respect that the tenancy had reached its term, tacit relocation was not operating and no further contractual tenancy was in operation.
15. The Tribunal considered whether it was reasonable to grant the order for eviction. On the basis of the supporting papers, it was clear that extensive work is required to the Property. The Tribunal accepted the explanation given about the Applicant's circumstances and her intention to sell the Property. The Tribunal relied on the information provided by the Applicant's representative about the discussions his office has had with the Respondent about eviction. The information before the Tribunal was that Respondent did not oppose the application. Taking account of these factors, the Tribunal found that it was reasonable to grant the order for eviction.

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.



10 July 2025
Date