



**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/24/3747

Re: Property at 11 Moss Road, Flat 2-2, Glasgow, G51 4JT (“the Property”)

Parties:

Mr Grant Addison, 20 Sealladh Loch Na Dala, Bowmore, PA43 7AE (“the Applicant”)

Ms Gillian Lohead, 11 Moss Road, Flat 2-2, Glasgow, G51 4JT (“the Respondent”)

Tribunal Members:

Nicola Irvine (Legal Member) and Mary Lyden (Ordinary Member)

Decision

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 11 June 2025 informing both parties that a CMD had been assigned for 4 August 2025 at 2pm, 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 2 July 2025.

4. On 5 July 2025, the Tribunal received written representations from the Respondent.
5. On 31 July 2025, the Tribunal received written representations from the Applicant.

The case management discussion – 4 August 2025

6. The CMD took place by conference call. The Applicant represented himself. The Respondent represented herself and was supported by Ms Carol Mooney, The Tribunal explained the purpose of the CMD.
7. The Respondent advised that the application for an eviction order is not opposed. She has been in touch with the local authority and has submitted applications for accommodation to local housing associations. She has not yet been given an offer of alternative accommodation. She has also looked at the private housing market in the local area but there is no suitable alternative accommodation. The Respondent lives alone and has no dependents. She is in full time employment and her employer is supporting her in trying to find alternative accommodation.
8. The Applicant's position is that this is his only rental property and he seeks to recover possession so that he can sell it, repay the mortgage and cease activity as a landlord. He has 3 children and they are living in rented accommodation at the moment. The Applicant understood last year that the Respondent had agreed to vacate the Property. As a result, he instructed a home report but that has now expired.
9. The Respondent, through her supporter, asked the Tribunal for additional time before an eviction takes place, to afford her more time to find alternative accommodation.
10. The Tribunal adjourned to consider the submissions made at the CMD. When the CMD reconvened, the Tribunal explained that it found that the conditions of section 33 had been met and that it was reasonable to grant an order for eviction. The Tribunal also exercised its discretion and ordered a delay of 1 month to the execution of the eviction order, in terms of rule 16A.

Findings in Fact

11. The Applicant is the owner and landlord of the Property at flat 2/2, 11 Moss Road, Glasgow, G51 4JT.

12. The Respondent is the tenant of the Property.
13. The tenancy is a short assured tenancy which commenced on 6 September 2014. The tenancy has continued on a month to month basis since the contractual term expired.
14. 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 31 May 2024.
15. The short assured tenancy had reached its end.
16. Tacit relocation was not operating.
17. No further contractual tenancy was operating.

Reason for Decision

18. 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.
19. Having considered the application, supporting papers, and submissions made at the CMD, the Tribunal was satisfied that 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 found that the conditions of section 33 had been met in respect that the tenancy had reached its end, tacit relocation was not operating and no further contractual tenancy was in operation.
20. The Tribunal considered whether it was reasonable to grant the order for eviction. The Tribunal took account of the following:-
 - (a) the application was not opposed;
 - (b) the notices had been served on the Respondent 14 months ago;
 - (c) the Applicant wishes to cease activity as a landlord.
 - (d) the Respondent has made contact with the local authority and housing associations in relation to alternative accommodation.

Taking account of these factors, the Tribunal found that it was reasonable to grant the order for eviction.

21. The Respondent provided details of some health issues suffered by her. Whilst she is being supported by her employer, she has not yet identified alternative accommodation, despite making efforts to do so. The Tribunal was persuaded

to exercise discretion in terms of rule 16A to delay the execution of the eviction order by an additional period of one month.

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.

Nicola Irvine
Legal Member/Chair

4 August 2025
Date