



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under the Housing (Scotland) Act 1988 (the 1988 Act) and Rule 65 of The First-tier Tribunal for Scotland Housing and Property Chamber (Rules of Procedure) Regulations 2017 (the 2017 Rules)

Chamber Ref: FTS/HPC/EV/25/0957

Re: Property at 12 Hamilton Drive, High Blantyre, G72 9UB (the Property)

Parties:

Ms. Tracy Reid, _____ (the Applicant)

Ms Linda McCaig, 12 Hamilton Drive, High Blantyre, G72 9UB (the Respondent)

Tribunal Members:

**Ms Susanne L. M. Tanner K.C. (Legal Member)
Ms Jane Hepenstall (Ordinary Member)**

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (the tribunal):

- (i) is satisfied that not later than the beginning of the tenancy the Applicant gave notice in writing to the Respondent that possession might be recovered on this Ground and the Applicant who is seeking possession requires the house as her only or principal home, and the Applicant did not acquire the landlord's interest in the tenancy for value;**
- (ii) is satisfied that it is reasonable to make an order for possession in the circumstances of the case; and**
- (iii) made an order for possession in terms of Ground 1 in Schedule 5 of the 1988 Act, with the date for enforcement delayed until 8 October 2025**

The decision of the tribunal was unanimous.

Statement of Reasons

1. The Applicant made an application to the tribunal on 18 October 2024, in terms of Section 33 of the Housing (Scotland) Act 1988 (the 1988 Act) and Rule 66 of the First-tier Tribunal for Scotland Housing and Property Chamber (Rules of Procedure) Regulations 2017 (the 2017 Rules).
2. The Application was later amended by the Applicant to proceed under Rule 65 of the 2017 Rules and Schedule 5 of the 1988 Act, Grounds 1 and 6.
3. The Applicant's Representative lodged a paper apart and supporting documents with the Application, namely:
 - 3.1. Short Assured Tenancy agreement;
 - 3.2. AT5 notice;
 - 3.3. Notice to Quit;
 - 3.4. AT6 notice;
 - 3.5. Proof of delivery; and
 - 3.6. Section 11 notice with proof of service.
4. The tribunal's administration obtained the Title Sheet to the property which shows that the Applicant has been the registered proprietor of the Property since 20 April 2008.
5. On 15 January 2024, the Application was accepted for determination and a Case Management Discussion (CMD) was fixed for 30 June 2025 at 1400 by teleconference.
6. By letter of 29 March 2025, parties were notified by letter of the date, time and place of the CMD and told that they were required to attend. Parties were also advised in the same letter that the tribunal may do anything at a CMD which it may do at a hearing, including making a decision on the Application, which may involve making or refusing an eviction order. If parties do not attend the CMD this will not stop a decision or order being made by the tribunal if the tribunal considers that it has sufficient information before it to do so and the procedure has been fair. The Respondent was asked to submit any written representations to the tribunal's offices by 19 April 2025.
7. The Application paperwork and notification of the date, time and place of the CMD was served on the Respondent by Sheriff Officers.
8. The Respondent submitted written representations.
9. The CMD was postponed to 8 August 2025, with a different legal member chairing.

Case Management Discussion (CMD): 8 August 2025 at 1000 by teleconference

10. The Applicant, Ms Reid attended.

11. The Respondent, Ms McCaig, attended.

12. Miss Reid sought an order for possession. Following discussion with the tribunal she withdrew ground 6 and proceeded on Ground 1 of Schedule 5 of the 1988 Act. She explained that a caseworker from Scottish Association of Landlords had helped with her application but that she was representing herself. She said that she intends to move back into the Property.

13. Ms McCaig does not oppose the application but requires additional time to find a suitable alternative property with the local authority (South Lanarkshire) and move. She requested two months from the date of the CMD, rather than 30 days. She said that this has been going on for three years now, during which she has been under threat of eviction. She is 68 now. She lives in the Property on her own. It has 2.5 bedrooms. She is hoping to retire in October 2025. She spoke to the Council about alternative housing. For three years they have been telling her she needs an eviction date before they offer a property. She cannot afford a high rate now that she is a pensioner. Ideally a council house would be suitable. They are saying that she will not get anything until she has an actual date. She wants to move anyway. She just needs some time. The authority is aware that the case is coming today. She has made an arrangement to let them know the outcome after today. She is on the urgent housing list. She has not had any advice or help in relation to the tribunal process. She said that 30 days would not be enough for her unless the council gave her something immediately. She would like an extension to two months. She has been in the Property for nearly 11 years and has so much stuff. The application with the authority is in the system. She has actually been on the normal list for about three years now since this came up. She was supposed to have the CMD meeting a couple of months ago but it was postponed. She intends to contact the local authority with the outcome of the CMD to let them know whether an order has been made.

14. Ms Reid agreed that two months would be entirely reasonable for enforcement to give the Respondent sufficient time to find a new property and move out.

15. The tribunal adjourned to discuss the case. The tribunal was satisfied that there was sufficient information to make a decision on the Application.

16. The tribunal makes the following findings-in-fact:

- 16.1. The Applicant is the registered proprietor of the Property.
- 16.2. There is a short assured tenancy between the Applicant and the Respondent for the Property which began on 23 March 2025 and lasted until 23 March 2016 and then continued by tacit relocation on a monthly basis.
- 16.3. The Notice to Quit and AT6 Notice were served on 17 July 2024.
- 16.4. The Applicant has given to the Respondent at least two months' notice stating that they require possession of the Property.
- 16.5. The Application to the tribunal was made on 18 October 2024.
- 16.6. The Property is a three bedroomed property.
- 16.7. The Respondent lives in the Property alone.
- 16.8. The Respondent is 68 and intends to retire in or around October 2025.
- 16.9. The Respondent has not yet found suitable alternative housing.
- 16.10. The Respondent intends to seek alternative housing in the social rented sector.
- 16.11. The Applicant intends to move into the Property once there is vacant possession.

Discussion

- 16.12. The tribunal is satisfied that the requirements of Ground 1 of Schedule 5 to the 1988 Act are met.
- 16.13. The tribunal is satisfied that in all the circumstances and on the basis of the findings of fact, it is reasonable to make an order for possession of the Property but to defer enforcement of that order until 8 October 2025, to give the Respondent additional time to find suitable alternative housing. Both parties agreed on the two month period from the date of the CMD.

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.

S Tanner

Ms. Susanne L. M. Tanner K.C.

Legal Member/Chair

08 August 2025

Date