



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 (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)

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

Re: Property at 0/1, 8 Niddrie Square, Glasgow, G42 8QE (the Property)

Parties:

George Wilson Property Company Limited, incorporated under the Companies Acts and having its registered office at 195 Main Street, Bellshill and a place of business at 40 Carlton Place, Glasgow, G5 9TS (the Applicant)

Happy Lets Limited, 1287 Argyle Street, Glasgow, G3 8TL (the Applicant's Representative)

Ms Tracy Cadder, 0/1, 8 Niddrie Square, Glasgow, G42 8QE (the Respondent)

Tribunal Members:

Ms Susanne L. M. Tanner K.C. (Legal Member)
Mr Gordon Laurie (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (the tribunal): (i) is satisfied in terms of Section 33 of the 1988 Act that the short assured tenancy for the Property has reached its end; tacit relocation is not operating; no further contractual tenancy (whether a short assured tenancy or not) is for the time being in existence; and the Applicant has given to the Respondent two months' notice stating that they require possession of the Property; (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 Section 33 of the 1988 Act, with the date for enforcement delayed until 5 October 2025

The decision of the tribunal was unanimous.

Statement of Reasons

1. The Applicant's Representative made an application to the tribunal on 3 March 2025, 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 Applicant seeks the Respondent's eviction from the Property under Section 33 of the 1988 Act, for possession on termination of a short assured tenancy.
3. The Applicant's Representative lodged a paper apart and supporting documents with the Application, namely:
 - 3.1. Short Assured Tenancy agreement dated 28 February 2014;
 - 3.2. AT5 notice;
 - 3.3. Notice to Quit dated 6 November 2024;
 - 3.4. Notice under Section 33(1)(d) of the 1988 Act dated 6 November 2024;
 - 3.5. Royal Mail delivery confirmation dated 11 November 2024; and
 - 3.6. Section 11 notice with proof of service dated 3 March 2025.
4. On 6 March 2025, 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 29 November 1985.
5. The tribunal's administration checked the registration details for the Property and the Applicant is registered landlord, with the Applicant's Representative as agent.
6. The Application was accepted for determination and a Case Management Discussion (CMD) was fixed for 8 August 2025 at 1000 by teleconference.
7. By letter of 18 June 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 9 July 2025.
8. The Application paperwork and notification of the date, time and place of the CMD was served on the Respondent by Sheriff Officers on 19 June 2025.

9. The Respondent did not submit any defence or written representations or make any contact with the tribunal's administration prior to the CMD.

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

10. Miss Currie, from the Applicant's Representative, attended on behalf of the Applicant.
11. The Respondent, Miss Cadder, attended.
12. Miss Currie sought an order for possession.
13. Miss Cadder stated that she does not oppose the application. She said that she has been in the Property for 12 or 13 years. It is 3 bedroomed flat. She is 50 years old. She had three children living with her but they are all grown up and have moved out. She works full time. She is in good health. She is up to date with her rent. She has not yet found somewhere to move to. Southside Housing said that they would house her and they put her on the list. She is registered. She intends to tell them if the tribunal makes the order so that her priority might change. She understands that an order for possession could be enforced in 30 days. She is also waiting for the homeless team from Glasgow City Council to phone her back once the order is made. She can put herself down in the homeless list and that may trigger priority. She has friends and family she can stay with if she has to move out but she would really appreciate additional time to find a new property and move.
14. Miss Currie submitted that in the circumstances outlined it would be reasonable for an order for possession to be made today but that the Applicant would be happy with a longer period of 60 days for Miss Cadder to find alternative housing and move out of the Property. Miss Currie said that she has been in contact with Miss Cadder, who has told her that the Property is too big now and rents are increasing each year. The Applicant and Applicant's Representative are happy to be flexible on the date for enforcement. Miss Currie asked the tribunal to grant an order today with a 60 day period for enforcement. The client wants possession of the Property because they are looking to refurbish it and may sell after that. The Applicant's Representative manages quite a few properties for them, around 40 to 50. The Applicant's Representative has looked but does not have anything else in the area that is suitable for Miss Cadder.
15. The Respondent confirmed that a 60 day enforcement period would be welcome and would give her more time to find suitable alternative housing and move.

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

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

- 17.1. The Applicant is the registered proprietor of the Property.
- 17.2. There is a short assured tenancy between the Applicant and the Respondent for the Property which began on 28 February 2014 and lasted until 27 August 2014 and then continued by tacit relocation on a monthly basis.
- 17.3. The short assured tenancy reached its end on 28 January 2025 by service on behalf of the Applicant on the Respondent of a Notice to Quit, notifying the Respondent that the tenancy would reach its termination date as at 28 January 2025.
- 17.4. Tacit relocation is no longer operating.
- 17.5. No further contractual tenancy is for the time being in existence.
- 17.6. A Section 33 notice was served on behalf of the Applicant on the Respondent, notifying the Respondent that the Applicant required vacant possession as at 28 January 2025.
- 17.7. The Notice to Quit and Section 33 Notice were served on 11 November 2024.
- 17.8. The Applicant has given to the Respondent at least two months' notice stating that they require possession of the Property.
- 17.9. The Application to the tribunal was made on 3 March 2025.
- 17.10. The Property is a three bedroomed property.
- 17.11. The Respondent lives in the Property alone.
- 17.12. The Respondent has not yet found suitable alternative housing.
- 17.13. The Respondent intends to seek alternative housing in the social rented sector.
- 17.14. The Applicant intends to refurbish the Property once there is vacant possession.

Discussion

17.15. The tribunal is satisfied that the requirements of Section 33 of the 1988 Act are met.

17.16. 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 5 October 2025, to give the Respondent additional time to find suitable alternative housing. There is no urgency on the part of the Applicant to get vacant possession and both parties agreed on the 60 day period.

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.

Ms. Susanne L. M. Tanner K.C.
Legal Member/Chair
Susanne Tanner

Date: 6 August 2025