

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/24/5163

Re: Property at Flat A 368 Langside Road, Glasgow, G42 8XR (“the Property”)

**Parties: Southside Lettings (Scotland) Limited, incorporated under the
Companies Act and having their registered office at Southside House, 135 Fifty
Pitches Road, Glasgow, G51 4EB (“the Applicants”)**

**Mr David Moroke, Flat A 368 Langside Road, Glasgow, G42 8XR (“the
Respondent”)**

Tribunal Members:

George Clark (Legal Member) and Elizabeth Williams (Ordinary Member)

Decision

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that the application should be decided without a Hearing
and made an Order for Possession of the Property.**

Background

1. By application, dated 8 November 2024, the Applicant sought an Order for Possession of the Property under Section 33 of the Housing (Scotland) Act 1988 (“the 1988 Act”), namely recovery of possession on termination of a Short Assured Tenancy.
2. The application was accompanied by a copy of a Short Assured Tenancy Agreement between the Applicants, as landlords, and the Respondent and Ms Nomvula Booi, as tenants, commencing on 29 June 2016 and, if not terminated on 29 December 2016, continuing on a two monthly basis thereafter until terminated by two months’ notice given by either Party to the other, confirmation of the removal of Ms Booi as a tenant dated 15 February 2022 and copies of a Notice under Section 33 of the 1988 Act and a Notice to Quit, both dated 30 July 2024, and both requiring the Respondent to vacate the Property by 29 October 2024. The Applicants also provided a Rent Statement showing arrears of £5,907.61 at 29 October 2024.

3. On 12 April 2025, the Tribunal advised the Parties of the date and time of a Case Management Discussion, and the Respondent was invited to make written representations by 3 May 2025. The Respondent did not make any written representations to the Tribunal.
4. On 7 July 2025, the Applicants provided an updated Rent Statement showing arrears at 1 July 2025 of £7,608.71. No rent had been paid between 16 July 2024 and 12 March 2025. The Respondent had then paid £800 per month in March, April and May 2025 and £700 on 10 June 2025. The present rent is £600.05 per month.

Case Management Discussion

5. A Case Management Discussion was held by means of a telephone conference call on the morning of 22 July 2025. The Applicants were represented by Miss Bernadette Baxter of Mellicks, solicitors Glasgow. The Respondent was not present or represented.
6. Miss Baxter told the Tribunal that the rent arrears now stand at £6,808.01. The Respondent had agreed a payment plan in March 2025 in terms of which he would pay £800 per month, thus reducing the arrears by £199.05 each month, but he had already failed to adhere to that, paying only £700 in June 2025. He had made a payment of £800 in July 2025 but had not made up the shortfall from the previous month. Accordingly, she was instructed to proceed with the application for an Order for Possession. Her understanding was that the Respondent lives in the Property on his own and that his 19-year-old daughter sometimes visits. He had, sadly, lost a younger daughter within the last year. He had advised the Applicants that he started a new job in September 2024 and Miss Baxter understood that he met with a money advisor in late May or early June 2025, when he said he was prioritising other debts. The Applicant had no confidence that he would adhere to the payment plan in the future, as he had already failed to do so after just three months. The last contact with him to discuss the situation had been a telephone call on 10 June 2025, when the Applicants' representatives reminded him of the date of the Case Management Discussion, but he had disconnected from that call. The Applicants' position was that the level of arrears is such that the tenancy is unsustainable for the Respondent and that he had broken payment arrangements in the past as well as the most recent one. Against the whole background, it would be reasonable for the Tribunal to make an Order for Possession.

Reasons for Decision

7. Rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 provides that the Tribunal may do anything at a Case Management Discussion which it may do at a Hearing, including making a Decision. The Tribunal was satisfied that it had before it all the information and documentation it required to enable it to decide the application without a Hearing.
8. Section 33 of the 1988 Act states that the Tribunal may make an Order for Possession of a house let on a Short Assured Tenancy if it is satisfied that

the Short Assured Tenancy has reached its end, that tacit relocation is not operating, that no further contractual tenancy is for the time being in existence, that the landlord has given to the tenant notice stating that he requires possession of the house, and that it is reasonable to make the Order for Possession.

9. The Tribunal was satisfied that the tenancy had reached its end, that, by service of the Notice to Quit, tacit relocation was not operating, that there was no further contractual tenancy in existence between the Parties and that the Notice required under Section 33 of the 1988 Act had been properly given. The remaining matter for the Tribunal to consider was, therefore, whether it would be reasonable to issue an Order for Possession.

10. In arriving at its decision, the Tribunal considered carefully all the evidence before it. The Tribunal noted that the rent is many months in arrears and that the Respondent has failed to adhere to previous and the most recent payment plan. The arrears have been in excess of £2,000 since November 2021. The Respondent had not made any written representations and had chosen not to attend or to be represented at the Case Management Discussion to provide any information that might persuade the Tribunal to decide that it would not be reasonable to make an Order for Possession. Accordingly, the view of the Tribunal was that on balance, it would be reasonable to make an Order for Possession.

11. The Tribunal's decision was unanimous.

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.

George Clark

22 July 2025
Date