



**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 (Act)**

**Chamber Ref: FTS/HPC/EV/25/0030**

**Re: Property at 32 Russell Place, Linwood, Paisley, PA3 3SR (“the Property”)**

**Parties:**

**Mrs Suzanne Elder, 75 Braidwood Place, Linwood, Paisley, PA3 3SW (“the Applicant”)**

**Ms Isabel Anderson, 32 Russell Place, Linwood, Paisley, PA3 3SR (“the Respondent”)**

**Tribunal Members:**

**Alan Strain (Legal Member) and Mary Lyden (Ordinary Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application for eviction and recovery of possession be granted but that execution of the order should be postponed to 20 October 2025.**

This is an application under section 33 of the Act and Rule 66 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (**Regulations**) in respect of the termination of a Short-Assured Tenancy (**SAT**).

The Tribunal had regard to the following documents lodged in advance of the Hearing:

1. Application received 6 January 2025;
2. AT5 and SAT commencing 30 January 2015;
3. Notice to Quit dated 15 October 2024;
4. Section 33 Notice dated 15 October 2024;
5. Royal Mail Track and Trace Receipt for Service of Notice to Quit and Section 33 Notice dated 18 October 2024;
6. Section 11 Notice and email serving on local authority dated 31 December 2024.

## **Case Management Discussion (CMD)**

The case called for a CMD by conference call on 20 August 2025. The Applicant did not participate but was represented by her husband, Mr Robert Elder. The Respondent participated and represented herself. She was provided with support from Mr Chris Rankine.

### *The Respondent's position*

The Respondent has had a stroke. She lives in the Property with her son (aged 22). She works part time from home.

The Respondent has been in touch with the local authority and a housing association. She has had a needs assessment which gives her priority due to her mobility issues following her stroke. The Respondent is looking for a 2 bedroom ground floor property. The current Property is 3 bedroom and over 2 floors.

### *The Applicant's position*

The Applicant has been diagnosed with Alzheimer's and has recently moved to a new home due to this. She can no longer work and Mr Elder has had to take on a mortgage to finance the purchase of the new property at age 58. He needs the proceeds of the sale of the Property to reduce the mortgage and finance adaptations to the house for the Applicant.

This is the only Property the Applicant had that was let out.

## **Decision and Reasons**

The Tribunal considered the oral and documentary evidence from the Parties. In so far as material the Tribunal made the following findings in fact:

1. The Parties let the subjects under a SAT commencing 30 January 2015;
2. An AT5 had been served prior to commencement of the SAT;
3. Notice to Quit and Section 33 Notice had been served on 18 October 2024;
4. Section 11 Notice had been served on the local authority on 31 December 2024;
5. The SAT had reached its term and had been terminated;
6. Tacit relocation was no longer operating;
7. No further contractual tenancy was in existence;
8. The Applicant had given the Respondent notice that she required possession;
9. The Applicant required to recover possession of the Property to sell it and realise the capital to finance her new home and adaptations having recently been diagnosed with Alzheimer's and no longer being able to work;
10. The Respondent was in contact with the local authority regarding the provision of suitable alternative accommodation for her and had been assessed as a priority following a needs assessment due to mobility issues following a stroke;
11. The Respondent lives in the Property which is 3 bedroom and on 2 floors. She has been assessed as needing a 2 bedroom ground floor property.

The Tribunal considered all of the evidence and submissions.

The Tribunal were satisfied that Rule 66 had been complied with.

The Tribunal were aware that it had to be satisfied that it was reasonable in the circumstances to grant the order sought. The Tribunal balanced the competing interests of the Parties and determined that it would be reasonable to grant the order sought in the circumstances.

The Tribunal postponed execution of the order to 20 October 2025 under Rule 16A of the Tribunal Procedure Rules. This would allow the Respondent further time to source alternate accommodation. The Tribunal did not require to hear any further evidence.

### **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.**

**Alan Strain**

**20 August 2025**

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**Legal Member/Chair**

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**Date**