

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/23/3540

Re: Property at 46A Main Street, Drymen, Glasgow, G63 0BG (“the Property”)

Parties:

Mr Stewart Cameron, Milarrochy Cottage, Rowardennan, Glasgow, G63 0AL (“the Applicant”), and

Mr David Cameron, residing at 46A Main Street, Drymen, Glasgow, G63 0BG (“the Respondent”) and

Liu’s Legal Solutions Ltd t/a LB & Co, incorporating Hughes Dowdall Foster, Unit 6, 42-46 New City Road, Glasgow G4 9JT (“the Respondent’s Representative”)

Tribunal Members:

G McWilliams- Legal Member

G Laurie- Ordinary Member

Decision

- 1. The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) grants an order for possession with a deferred enforcement date of 18th November 2025.**

Background

- 1. This is an Application brought in terms of Rule 66 (Application for order for possession upon termination of a short-assured tenancy) of The First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure (“the 2017 Rules”).**
- 2. The Applicant, Mr S Cameron had provided the Tribunal, in the Application, with copies of the parties’ short assured tenancy agreement, which commenced on 31st December 2013, Form AT5, Notice to Quit (“NTQ”) and Sections 33 and 11 Notices**

with relevant Executions of Service. The NTQ and Section 33 Notice sought to end the tenancy at 1st October 2023.

Case Management Discussion on 15th February 2024

3. A Case Management Discussion (“CMD”) proceeded remotely by telephone conference call at 15th February 2024. Reference is made to the Notes of that CMD.

Hearings

4. Several evidential Hearings were postponed for different reasons. An evidential Hearing took place on 7th May 2025. Mr S Cameron as well as the Respondent, Mr D Cameron, and his Representative’s Mr M Foster attended. After hearing oral evidence and submissions from the parties, as well as a submission from Mr Foster, it was agreed that written submissions would be lodged by Mr Foster, on behalf of Mr D Cameron, and thereafter Mr S Cameron would also lodge a written submission. It was further agreed that after all submissions were provided the Tribunal would consider them, with all of the casefile papers, and, in the first instance, decide whether or not they could make a final determination without the need to hear further oral evidence and submissions. If the Tribunal decided to make a final decision they would then issue a written Decision Notice in early course.
5. The Tribunal members convened on 19th August 2025 and, after considering all of the case papers, decided to make a decision, without having to hear further oral evidence and submissions, as follows.
6. Mr S Cameron stated, in his Application, at the CMD and Hearing, and in his subsequent written submissions, that he wishes to recover possession of the Property and carry out remedial works there so that his adult son, also Mr S Cameron, can then reside in the Property. He had stated at the CMD that the parties are distant cousins. Mr S Cameron provided a supporting Affidavit from his son, dated 14th December 2023, various statements from his wife, neighbours and proprietors and tenants of premises nearby to the Property, reports from contractors, as well as photographs. He made allegations about Mr D Cameron’s actions towards owners and tenants of properties nearby to the Property. Mr S Cameron rents four other residential properties and operates a wedding venue business. He submitted that a possession order should be granted and that, in particular, it was reasonable for the Tribunal to do so given the fact that the NTQ and Section 33 Notice were served on 13th July 2023, over two years before the date of his final written submission on 15th July 2025.
7. Mr D Cameron stated that Mr S Cameron seeks to evict him from the Property, where he resides alone, due to a breakdown in their relationship and without just cause. He said that Mr S Cameron’s son has other accommodation available to him and the repairs referred to by Mr S Cameron are unnecessary and/or can be done without him having to vacate the Property. Mr D Cameron said that he has not behaved in an antisocial way towards neighbours at the Property. At the CMD on 15th February 2024 Mr D Cameron said that he was approaching his 70th birthday. At the Hearing on 7th May 2025 he said that he runs a hay and straw

supplies business. He stated that he owns a local property, "Tarras", which is currently uninhabitable and which he intends to sell.

8. Mr Foster submitted that, given Mr D Cameron's arguments, it was unreasonable for a possession order to be granted. He submitted, in the alternative, that if the Tribunal decide to grant an order for possession it would be reasonable for the order enforcement date to be deferred for a period of three months to allow Mr D Cameron sufficient time to obtain alternative accommodation.

Statement of Reasons

9. In terms of Section 33 of the 1988 Act, the Tribunal shall make an order for possession of a house let on a tenancy if:
 - (a) the short assured tenancy has reached its ish;
 - (b) tacit relocation is not operating;
 - (c) no further contractual tenancy (whether a short assured tenancy or not) is for the time being in existence; and
 - (d) the landlord has given to the tenant notice stating that he requires possession of the house.
10. The Tribunal considered all of the Application papers, including the parties' Short Assured Tenancy agreement ("SAT") and the Form AT5, Section 33 Notice and Notice to Quit, which had been served on Mr D Cameron, as well as the submissions of both parties and Mr Foster.
11. Having considered all of the evidence and submissions, the Tribunal made the following findings in fact, on a balance of probabilities. The Applicant, Mr S Cameron, seeks to recover possession of the Property to carry out works there and so that his adult son can reside in the Property. The parties disagree regarding the need for Mr S Cameron's son to reside in the Property, as well as the necessity for repair works when the Property must be vacant, and the nature of Mr D Cameron's interactions with his neighbours. Mr S Cameron has served all of the necessary papers on Mr D Cameron to bring their tenancy agreement to an end. The NTQ was served on 13th July 2023. The parties' tenancy agreement was terminated on 1st October 2023. Mr D Cameron has been resident in the Property since 31st December 2013. He does not want to vacate the Property. He is 71 years of age and operates a fodder supplies business. He has the means to obtain alternative accommodation within a reasonable period of time.
12. The Tribunal in making their findings in fact, relied on the evidence and submissions of both parties, in particular the terms of Mr S Cameron Jnr's Affidavit of 14th December 2023, and Mr Foster's written submission. The parties clearly disagree regarding the need for Mr S Cameron's son to reside in the Property, as well as the necessity for repair works when the Property must be vacant, and the nature of Mr D Cameron's interactions with his neighbours. Having considered the terms of the Affidavit of Mr S Cameron's son, which he swore under oath, the Tribunal are satisfied that it is his genuine intention to reside in the Property. In any event, the parties are agreed that Mr S Cameron has served all of the necessary papers on Mr D Cameron to bring their tenancy agreement to an end. Therefore,

the parties' tenancy agreement was terminated on 1st October 2023. Mr D Cameron does not want to vacate the Property and, after such a long tenancy duration, the Tribunal find his position to be understandable. However, he resides alone and is still running a business. He is going to sell his property "Tarras". In the circumstances the Tribunal find that Mr D Cameron does have the resources to obtain alternative accommodation for himself. The Tribunal further find that it is therefore reasonable that he does so, in particular given that the NTQ and Section 33 Notice were served on him over two years ago, in July 2023. However, the Tribunal also find that it is reasonable for the order enforcement date to be deferred for a period of three months to allow Mr D Cameron sufficient time to obtain alternative accommodation.

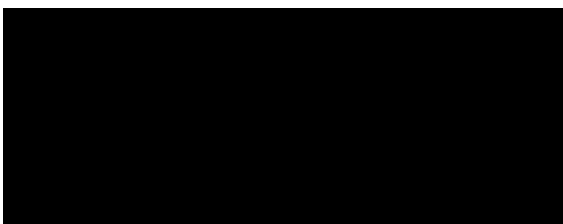
13. Having made their findings in fact the Tribunal find in law that the criteria in Section 33 of the 1988 Act have been satisfied and determine that it is reasonable that an order for possession be granted with a deferred enforcement date of 18th November 2025.

Outcome

14. Accordingly, the Tribunal grants an order for possession with a deferred enforcement date of 18th November 2025.

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.



19th August 2025

Date