

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 16 of the Housing (Scotland) Act 2014 and Section 18 of the Housing (Scotland) Act 1988.

Chamber Ref: FTS/HPC/EV/25/0523

Re: Property at 2 Ben Venue Road, Cumbernauld, G68 9JF (“the Property”)

Parties:

Mr John Rae and Mrs Monica Rae, 4 Locksley Crescent, Cumbernauld, G67 4EL (“the Applicants”) and

Miss Lesley Weldon, 2 Ben Venue Road, Cumbernauld, G68 9JF (“the Respondent”)

Tribunal Members:

**G McWilliams- Legal Member
S Brydon - Ordinary Member**

Decision:

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to grant the Application.

Background and Case Management Discussion on 19th September 2025

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 Applicants had provided the Tribunal, in the Application, with copies of the parties’ Short Assured Tenancy Agreement, Form AT5, Notice to Quit (“NTQ”) and Sections 33 and 11 Notices with relevant Executions of Service. All of these documents and forms had been correctly and validly prepared in terms of the provisions of the Housing (Scotland) Act 1988 (“the 1988 Act”), and the procedures set out in the Act had been correctly followed and applied.

3. Sheriff Officers had served copies of the Application papers, Guidance Notes and notification of the CMD on the Respondent on 12th August 2025.
4. A Case Management Discussion (“CMD”) proceeded remotely by telephone conference call at 2.00pm on 19th September 2025. The Applicant, Mr Rae and the Respondent, Miss Weldon, attended.
5. Mr Rae referred to the Application and stated that he and his wife, Mrs Rae, wish to recover possession of the Property so that they can sell it. He said that they are arranging to recover possession of, and sell, their three, other rented properties. Mr Rae said that they are selling given his medical condition. Mr Rae also said that there have never been any issues with Miss Weldon’s tenancy of the Property and that her rent payments are up to date. He stated that he and his wife would agree to an eviction order with a deferred enforcement date being granted to give Miss Weldon and her family more time to move out of the Property and obtain another tenancy.
6. Miss Weldon stated that she submitted an application to North Lanarkshire Council (“NLC”), for a tenancy for herself and her two children, aged 11 and 12, over a year ago. She said that NLC have told her that the application will be given priority when an eviction order has been granted. Miss Weldon stated that she wishes to obtain another tenancy as soon as possible. She said that the grant of an eviction order, with a deferred enforcement time of two months, would be helpful as this would, hopefully, allow her sufficient time to obtain a suitable alternative tenancy from NLC.

Statement of Reasons

7. 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 end;
- (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.

8. The Tribunal considered all of the available evidence and the submissions of Mr Rae and Miss Weldon. The Tribunal found in fact that all of the documentation regarding termination of the parties’ tenancy agreement had been validly served on Miss Weldon. They found that Miss Weldon is actively seeking to move out of the Property. The Tribunal further found in fact that Miss Weldon wishes an eviction order to be granted. Having made such findings in fact the Tribunal found in law that the parties’ tenancy agreement has been lawfully brought to an end in terms of the relevant legislation and that it is reasonable to grant an eviction order. The Tribunal also decided that it is reasonable to grant an eviction order with a deferred enforcement date of 17th November 2025. In reaching the latter decision the Tribunal placed reliance on Miss Weldon’s history of being a good tenant, and the Tribunal’s

knowledge that local authorities are very busy dealing with applications for social housing.

Decision

9. The Tribunal granted an order for Mr and Mrs Rae's possession of the Property as sought in the Application, with a deferred enforcement date of 17th 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.

Gerald McWilliams

G McWilliams

19th September 2025

Legal Member

Date