

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/25/0643

Re: Property at 21 Dalcross Way, Airdrie ML6 7EG (“the Property”)

Parties:

Mr Stephen Broadley t/a SBC Properties, 6 Railway Road, Airdrie ML6 9AB (“the Applicant”) and

Ms Anne Smith, 21 Dalcross Way, Airdrie ML6 7EG (“the Respondent”)

Tribunal Members:

**G McWilliams- Legal Member
M Booth - 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 3rd October 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 28th August 2025.

4. A Case Management Discussion (“CMD”) proceeded remotely by telephone conference call at 10.00am on 3rd October 2025. The Applicant’s Mrs M Kent, the Respondent, Ms Smith, and her daughter in law Ms R McGlynn attended.
5. Mrs Kent referred to the Application and subsequent financial papers that she had sent to the Tribunal’s office. She stated that Mr Broadley wishes to recover possession of the Property so that he can sell it, along with other properties, to repay substantial loans which he obtained from RBS Bank Plc and which are all overdue for repayment. She said that Mr Broadley would agree to an eviction order with a short, deferred enforcement date being granted to give Ms Smith and more time to obtain another tenancy from North Lanarkshire Council (“NLC”) and move out of the Property.
6. Ms McGlynn stated that Ms Smith submitted an application to NLC for a tenancy after she received Mr Broadley’s Notice to Quit (“NTQ”) in November 2024. She said that NLC have told her and Ms Smith that the application will be given priority when an eviction order has been granted. Ms McGlynn stated that the grant of an eviction order, with a deferred enforcement time of two months, would be helpful as this would, hopefully, allow Ms Smith sufficient time to obtain a suitable alternative tenancy from NLC. Ms McGlynn said that Ms Smith does not want to unreasonably delay Mr Broadley’s recovery of the Property.

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 Mrs Kent and Ms McGlynn. The Tribunal found in fact that all of the documentation regarding termination of the parties’ tenancy agreement had been validly served on Ms Smith. They found that Ms Smith is actively seeking to move out of the Property. The Tribunal further found in fact that Ms Smith 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 1st December 2025. In reaching the latter decision the Tribunal placed reliance on their own knowledge that local authorities are very busy dealing with applications for social housing.

Decision

9. The Tribunal granted an order for Mr Broadley's possession of the Property as sought in the Application, with a deferred enforcement date of 1st December 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

Legal Member:

Date: 3 October 2025