



**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/25/1250

Re: Property at 28 Kirk Road, Bearsden, G61 3RG (“the Property”)

Parties:

Graham Bell, 47 Keystone Road, Milngavie, G62 6JF (“the Applicant”)

Mr David Fraser, 28 Kirk Road, Bearsden, G61 3RG (“the Respondent”)

Tribunal Members:

Ms H Forbes (Legal Member) and Mrs H Barclay (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for possession should be granted.

Background

1. This is a Rule 66 application whereby the Applicant is seeking an order for possession in terms of section 33 of the Housing (Scotland) Act 1988 (“the Act”). The Applicant representative lodged a short assured tenancy agreement commencing on 16th January 2009 to 16th July 2009 and monthly thereafter, Form AT5, rent statement, section 11 notice with evidence of service, notice to quit and section 33 notice with evidence of service, and evidence of intention to sell the Property.
2. The Application and notification of a Case Management Discussion were served on the Respondent by Sheriff Officer on 26th September 2025.

Case Management Discussion

3. A Case Management Discussion (“CMD”) took place by telephone conference on 6th November 2025. The Applicant was not in attendance and was represented by Ms Wooley, Solicitor. The Respondent was in attendance.

4. Ms Wooley said the Applicant is seeking an order for possession, and would be content for a delay in execution of the order to the end of March 2026 to allow the Respondent further time to secure alternative housing. Responding to questions from the Tribunal as to why two notices to quit were served, Ms Wooley referred to clause 1 of the tenancy agreement, which refers to the tenancy ending on the first day of any month, although the ish date is the 16th of the month. It was Ms Wooley's position that the contractual tenancy ended on 16th February 2025.
5. Ms Wooley said the Applicant wishes to sell the Property. He is retired and wishes to release capital for his retirement. Ms Wooley submitted that the local authority has a duty to provide emergency accommodation to the Respondent. Ms Wooley said the Respondent has been a good tenant and there is a good relationship between the parties.
6. The Respondent said he is not opposing the order. He has been in touch with the local authority and he was advised they will not take any action until after the CMD. The local CAB had given him the same advice. The Respondent is on the housing list. The Respondent said he is unemployed and suffering ill health. The Respondent said this situation has been hanging over him for a considerable time and he has been living out of boxes. The Tribunal explained that it would be open to the Respondent to ask for further time to take proper advice on reasonableness and his options, but the Respondent said he does not want to hold things up and is not objecting to the order being granted. The Respondent said it would be helpful to have a delay in execution of the order until the end of March 2026. Responding to questions from the Tribunal, the Respondent said the local authority mentioned sheltered housing as a possible option.

Findings in Fact and Law

7.
 - (i) Parties entered into a short assured tenancy agreement with the Applicant commencing on 16th January 2009 to 16th July 2009, and monthly thereafter.
 - (ii) Notice to Quit and Section 33 Notice were served on the Respondent.
 - (iii) The short assured tenancy has reached its ish date.
 - (iv) The contractual tenancy terminated on 16th February 2025.
 - (v) Tacit relocation is not in operation.
 - (vi) The Applicant has given the Respondent notice that they require possession of the Property.
 - (vii) It is reasonable to grant the order for possession.

Reasons for Decision

8. Section 33 of the Act provides that the Tribunal may make an order for possession if satisfied that the short assured tenancy has reached its finish, tacit relocation is not operating, the landlord has given notice to the tenant that they require possession, and it is reasonable to make the order.
9. The contractual tenancy has been terminated and tacit relocation is not in operation. The Applicant has given the Respondent notice that they require possession of the Property.
10. In considering whether it was reasonable to grant the eviction order, the Tribunal considered the circumstances of both parties.
11. The Applicant requires to sell the Property to release capital for his retirement.
12. The Respondent is not opposing the order and is seeking social housing. The Tribunal accepted the local authority has a duty to provide accommodation to the Respondent if he is deemed to be homeless, which is the likely effect of the order for possession being granted. However, the Tribunal was concerned about the effect of eviction on the Respondent's health. The Respondent was clear that he did not wish to oppose the order and is seeking assistance from the local authority. The Respondent did not wish further time to take advice.
13. In all the circumstances, the Tribunal considered it was reasonable to grant the order sought, and to delay execution of the order to the end of March 2026.

Decision

14. An order for possession of the Property is granted under section 33 of the Housing (Scotland) Act 1988. The order is not to be executed prior to 12 noon on 31st March 2026.

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.

Ms H Forbes

Legal Member/Chair

6th November 2025
Date