



**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 (“the 1988 Act”)**

Chamber Ref: FTS/HPC/EV/25/2243

Re: Property at 65 Hayocks Road, Stevenston, KA20 4DG (“the Property”)

Parties:

Ms Helen Vogan, 85 Trelawney Terrace, Stevenston, KA20 3PN (“the Applicant”)

Ms Catherine Hampton, 65 Hayocks Road, Stevenston, KA20 4DG (“the Respondent”)

Tribunal Members:

Yvonne McKenna (Legal Member) and Angus Lamont (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for recovery of possession should be granted in favour of the Applicant. The Tribunal delayed execution of the order until 16 January 2026.

Background

1. An application was received from the Applicant on 23 May 2025 under rule 66 of Schedule 1 to the First-tier Tribunal for Scotland (Housing and Property Chamber) (Procedure) Regulations 2017 (‘the 2017 rules’) seeking recovery of possession of the property under a short assured tenancy (‘SAT’) by the Applicant against the Respondent.

2. Attached to the application form were:

- (i) Copy SAT agreement between the parties which commenced on 18 September 2017.
- (ii) Copy notice required under section 33 of the 1988 Act (‘the section 33 notice’) dated 20 February 2025.

- (iii) Copy Notice to Quit dated 20 February 2025, requiring the Respondent to remove from the property on or before 18 May 2025.
- (iv) Copy recorded delivery receipt for the notices.
- (v) Copy notice under section 11 of the Homelessness etc (Scotland) Act 2003 addressed to North Ayrshire Council, together with covering email dated 23 May 2025 and acknowledgement of receipt.

3. The application was accepted on 29 June 2025.

4. Notice of the case management discussion (CMD) scheduled for 3 November 2025, together with the application papers and guidance notes, was served on the Respondent by sheriff officer on behalf of the Tribunal on 26 September 2025.

5. No written representations were received from the Respondents prior to the CMD.

The Case Management Discussion (CMD)

6. A CMD was held by teleconference call on 3 November 2025. The Applicant was represented by Ms Laura McLaren of Welcome Homes Ayrshire Ltd. The Respondent was present on the call, and was represented by Ms Louise Mathieson from CHAP.

The Respondent's Position

7. Ms Mathieson said that the Respondent had only been in touch with the charity for advice last week, and it had been outwith the timescale for providing written responses. The Respondent is not opposed to the order for eviction. She requested a small extension for enforcement, due to the current housing shortage, and the fact that North Ayrshire Council has a shortage of alternative suitable accommodation. The Council have been unable to provide a timescale regarding when the Respondent may be allocated a new tenancy.

8. She sought a delay for enforcement until after the festive period.

9. The Respondent is looking to source ideally a three bedroomed property. She lives together with her two adult sons, who are helping with her care. Her 30 year old son has given up his job to be her carer. Her 18 year old son is an apprentice, and part time carer for the Respondent. She has been told that she may need to consider a two bedroomed property. So, if either becomes available sooner, she will notify the Applicant.

10. The Respondent has some serious health complications, and has been undergoing cancer treatment. As a consequence of her illness, she has developed functional neurology disorder. She has a brain tumour, and an operation is scheduled for January 2026.

The Applicant's Position

11. The Applicant is aware of the Respondent's health concerns. She is quite sympathetic to the Respondent's position. She is looking to sell the Property once she has obtained possession. The mortgage payments are set to rise in January 2026, and the rent will not cover the increase. She does not object to a suspension of enforcement for a couple of months. She owns only the property she lives in, and this Property.

Findings in Fact

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

- (i) The Parties let the subjects under a SAT commencing 18 September 2017;
- (ii) Notice to Quit and Section 33 Notice had been served 20 February 2025.
- (iii) Section 11 Notice had been served on the local authority on 22 May 2025;
- (iv) The SAT had reached its end and had been terminated;
- (v) Tacit relocation was no longer operating;
- (vi) No further contractual tenancy was in existence;
- (vii) The Applicant had given the Respondent notice that she required possession;
- (viii) The Applicant required to recover possession of the Property to sell it.
- (ix) The Respondent did not oppose the eviction order and was in contact with the local authority regarding the provision of suitable alternative accommodation for her and her family;

Reasons for Decision

13. 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 determined that it was reasonable to grant the order sought in the circumstances.

14. The Respondent did not oppose the order, and was aware of the Applicant's intention to recover the Property, and sell it in view of her financial circumstances. The Respondent had been in regular contact with the local authority regarding provision of alternative accommodation. The Tribunal granted the application for eviction and recovery of possession.

15. Before deciding to grant the order, the Tribunal asked the parties for their views on the possibility of delaying execution of the eviction order in terms of rule 16A of the 2017 rules, to give the Respondent more time to source a new tenancy. The parties agreed that they would be content with an extension until after the festive period. The Tribunal determined that it would be reasonable to delay execution of the order until 16 January 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.

Yvonne McKenna

3 November 2025

Legal Member/Chair

Date