



**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/25/1300

**Re: Property at 35 Reelick Ave, Knightswood, Glasgow, G13 4NF (“the
Property”)**

Parties:

James Gormley, 8 Airylygg Dr, Eaglesham, Glasgow, G76 0LJ (“the Applicant”)

**Ali McCall, 35 Reelick Ave, Knightswood, Glasgow, G13 4NF (“the
Respondent”)**

Tribunal Members:

Joel Conn (Legal Member) and Elizabeth Dickson (Ordinary Member)

Decision

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that**

Background

1. This is an application by the Applicant for an order for possession on termination of a short assured tenancy in terms of rule 66 of the *First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017* as amended (“the Rules”). The tenancy in question was a Short Assured Tenancy of the Property by the Applicant to the Respondent commencing on 16 February 2016.
2. The application was dated 21 March 2025 and lodged with the Tribunal on 26 March 2025, though it was unclear to the Tribunal whether it was an application under Rule 65 or 66. A revised application focusing on Rule 66 was subsequently lodged as part of the application process. The application (as revised) relied upon a Notice to Quit and notice in terms of section 33 of the *Housing (Scotland) Act 1988*, both dated 14 January 2025. These provided the Respondent with notice (respectively) that the Applicant sought to terminate the

Short Assured Tenancy and have the Respondent vacate, each by 16 March 2025. Evidence of service of the said notices by recorded delivery service on 14 January 2025 was included with the application, alongside evidence from the Respondent of his receipt (being a photograph of him holding the documents).

3. Evidence of a section 11 notice in terms of the *Homelessness Etc. (Scotland) Act 2003* served upon Glasgow City Council (undated but lodged on or after 25 March 2025) was provided with the application.

The Hearing

4. On 4 December 2025 at 14:00, at a case management discussion ("CMD") of the First-tier Tribunal for Scotland Housing and Property Chamber, sitting remotely by telephone conference call, we were addressed by the parties personally.
5. The application papers contained a letter from the Respondent confirming that he did not oppose eviction and that he was awaiting an order so that he could use it as part of an application for rehousing (as he had been directed to do by the local authority). We sought clarification from the Respondent whether the application was still unopposed.
6. The Respondent confirmed that he did not oppose the application. Specifically, he confirmed to us that he took no issue with the validity of the notices served and did not object to the eviction. We appreciated the Respondent's candour and clarified with the Respondent that he understood that, by extending no defence, eviction may be granted without any guarantee of what rehousing he may be offered. He confirmed this was understood.
7. We sought further information from the Respondent on reasonableness:
 - a. The Property was a four-bedroom house with a garden.
 - b. He lived there with his partner, and two daughters aged 17 and 19. The 17 year old was currently unemployed and the 19 year was on maternity leave, having recently given birth. She lived in the Property with her one-week old son.
 - c. The Respondent was no longer working, due to early onset Parkinson's. He also had an anxiety condition.
 - d. There were arrears which had arisen due to the Respondent's ill-health and general cost of living considerations. He thought the Property was no longer affordable for his family.
 - e. The Respondent was in receipt of benefits and he believed that the household received all payments for which the members were eligible.
 - f. The Property had no special adaptations, nor was it especially suitable for their use for any reason.
 - g. The Respondent did not believe that he currently required a property with adaptations as he was able to manage stairs, but thought he may need an adapted property in a few years.

8. The Applicant confirmed he had no dispute with the Respondent's submissions. He said that rent arrears currently stood at £5,680 but that the Respondent's partner's father had informally agreed to make a payment arrangement on any remaining arrears, once the Respondent and his family had moved out. The Respondent in turn confirmed he agreed with the Applicant's statements about arrears.
9. In regard to reasonableness, the Applicant provided the following information as to his reasons for seeking eviction at this time:
 - a. The arrears were growing.
 - b. Given the layout of the Property, the cost of it and the Respondent's medical condition, the Property was not suitable for the Respondent and his household going forward.
 - c. He was 78 and had already transferred title of the Property to his daughter. (He was passing other property to his children.) His daughter had agreed that the Applicant would continue to act as landlord until the end of the Tenancy, but he was seeking to discontinue as landlord given his age and his estate planning.
10. We raised the issue of a suspension. The Applicant said he would not seek to evict the Respondent until he was rehoused, but we were conscious that a standard 31 days under the Rules would mean a potential eviction very shortly after the new year period. Parties agreed that a suspension until 12:00 on 16 January 2026 would be suitable.
11. No order for expenses was sought.

Findings in Fact

12. By written lease dated 16 February 2016, the Applicant let the Property to the Respondent with a start date of 16 February 2016 until 16 August 2016 which would "continue thereafter on a monthly basis" ("the Tenancy").
13. The Tenancy was a Short Assured Tenancy in terms of the Housing (Scotland) Act 1988 further to the Applicant issuing the Respondent with a notice under section 32 of the 1988 Act (an "AT5") on 16 February 2016, prior to commencement of the Tenancy.
14. On 14 January 2025, the Applicant drafted a Notice to Quit in correct form addressed to the Respondent, giving the Respondent notice that the Applicant wished him to quit the Property by 16 March 2025.
15. On 14 January 2025, the Applicant drafted a Section 33 Notice under the 1988 Act addressed to the Respondent, giving the Respondent notice that the Applicant required possession of the Property by 16 March 2025.
16. 16 March 2025 is an ish date of the Tenancy.
17. On 14 January 2025, the Applicant competently served each of the notices upon the Respondent by recorded delivery. The Respondent was thus provided

with sufficient notice of the Applicant's intention that the Tenancy was to terminate on 16 March 2025.

18. On or around 21 March 2025, the notice period under the notices having expired, the Applicant raised proceedings for an order for possession with the Tribunal, under rule 66, the grounds of which being: that the Tenancy had reached its end; that tacit relocation was not operating; that no further contractual tenancy was in existence; that notice had been provided that the Applicant required possession of the Property all in terms of section 33 of the 1988 Act; and that it was reasonable to make the order.
19. A section 11 notice in the required terms of the Homelessness Etc. (Scotland) Act 2003 was served upon Glasgow City Council by the Applicant on or after 25 March 2025.
20. On 17 October 2025, a Sheriff Officer acting for the Tribunal intimated the application and associated documents upon the Respondent, providing the Respondent with sufficient notice of the CMD of 4 December 2025.
21. The Applicant seeks to recover possession of the Property in consideration of the arrears. The Applicant further seeks to recover possession in consideration that the Respondent has expressed that it is not financially sustainable for him to continue to rent the Property.
22. The Applicant further seeks to recover possession so that his daughter – to whom he has already transferred the Property – may advance her own plans with it.
23. The Respondent is in substantial rent arrears, being £5,680 as of 4 December 2025.
24. The Respondent lives in the Property with his partner, two daughters (aged 17 and 19), and his elder daughter's new-born son.
25. The Respondent has Parkinson's as well as suffering from anxiety.
26. The Respondent has been seeking rehousing but has not yet been rehoused.

Reasons for Decision

27. The application was in terms of rule 66, being an order for possession upon termination of a short assured tenancy. We were satisfied on the basis of the application and supporting papers that the necessary notices had been served with sufficient notice and thus the requirements of the 1988 Act had been complied with. In any event, the Respondent confirmed that he was extending no defence or dispute to the notices.
28. We require, in terms of the 1988 Act as currently amended, to consider "that it is reasonable to make an order for possession". On this, the Respondent

offered no opposition and indeed consented to the order. The Respondent accepted the sizable arrears, and that the Property was no longer suitable financially for him and his household. We were thus satisfied that the Applicant's reasons for seeking eviction were reasonable and it was reasonable to evict.

29. In the circumstances before us, we were thus satisfied that it was reasonable to grant the application with a suspension until 16 January 2026, due to the practicalities of scheduling any earlier a date.
30. The Rules allow at rule 17(4) for a decision to be made at a CMD as at a hearing before a full panel of the Tribunal. On the basis of the information held, we are thus satisfied to grant an order for eviction at this time but with the earliest date of eviction suspended until 16 January 2026.

Decision

31. In all the circumstances, we make the decision to grant an order against the Respondent for possession of the Property under section 33 of the Housing (Scotland) Act 1988 suspended as stated above.

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.

Joel Conn

Legal Member/Chair

Date : 4 December 2025