



**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 Act”)**

Chamber Ref: FTS/HPC/EV/25/2714

**Re: Property at 28 Burnfoot Drive, Cardonald, Glasgow, G52 2JD (“the
Property”)**

Parties:

**Mr Angus Alexander Macdonald, The Barn, Millrig Road, Wiston, Biggar, ML12
6HU (“the Applicant”)**

**Ms Leanne Docherty, 28 Burnfoot Drive, Cardonald, Glasgow, G52 2JD (“the
Respondent”)**

Tribunal Members:

Steven Quither (Legal Member) and Elaine Munroe (Ordinary Member)

Decision

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) UNANIMOUSLY determined that the order for possession be
GRANTED.**

BACKGROUND

1. This is an application to bring to an end a Short Assured Tenancy between the parties, commencing 14 November 2014 for 6 months and continuing thereafter by tacit relocation on a monthly basis, initially at a rent of £525 per calendar month but which was subsequently increased to £566 per calendar month from 14 July 2023 and then £615 per calendar month from 14 July 2024.
2. The application was based on Section 33 of the Act, providing a route to repossession so long as the Tribunal is satisfied not only that the formal

requirements contained therein have been complied with but also that it is reasonable to make the order for repossession.

3. Along with the application itself, the Applicant's agents, (TC Young, Solicitors, Glasgow ("TCY")) sent a separate Paper Apart detailing the procedural background giving rise to the application, along with a submission as to reasonableness, briefly summarised as being that the Applicant wishes to realise the value of the Property, among others, as a capital asset to fund a new property in Cyprus. In addition, as at the date of the application, the Respondent was in rent arrears of £2714.
4. The supporting documentation for this application confirmed that appropriate notice periods had been given in respect of the s33 Notice and Notice to Quit and also that the appropriate local authority had been notified of the application in terms of s11 of the Homelessness etc. (Scotland) Act 2003.
5. In addition, documentation dated 20 June 2025 was also produced from The Glasgow Law Practice, Solicitors, Glasgow, confirming it had been instructed by the Applicant regarding the proposed sale of the Property.
6. The Application was made on 23 June and accepted by Notice of Acceptance of 17 July, by virtue of which a Case Management Discussion ("CMD") was duly fixed for 3 December, all 2025.
7. The Tribunal subsequently received sheriff officer confirmation of personal service of the application on the Respondent on 21 October 2025.
8. By email of 11 November 2025 and with supporting Rent Statement, the Applicant's agents advised the rent arrears then stood at £5174 and that they sought to amend the sum referred to for rent arrears to this figure under Rule 14A of the First-tier Tribunal for Scotland Housing & Property Chamber Rules of Procedure 2017 ("the Rules").
9. Shortly after 10am on the CMD date, the Tribunal received an email from Govan Law Centre, Glasgow ("GLC") acting on behalf of the Respondent, seeking a continuation of the CMD to consider the case and apply for legal aid, to which the Applicant's agents responded by email of 11-42am indicating their opposition to any such continuation and advising of their reasons why, namely that they considered the Respondent had had ample time to obtain legal advice and had failed to do so, as well as there being likely prejudice to the Applicant if the application was not progressed expeditiously.

10. An associated application in respect of rent arrears, under Tribunal reference CV/25/2716, was also considered at the CMD.

CASE MANAGEMENT DISCUSSION

11. Said CMD duly took place by teleconference on 3 December 2025, commencing shortly after 2pm, with the Applicant represented by his agent, Kirstie Donnelly of TCY and the Respondent present, accompanied by her agent, Sophie Berry of GLC.

12. In response to questions by the Tribunal regarding the continuation request Miss Berry and/or the Respondent advised and confirmed:--

- a) The Respondent had first contacted GLC in May 2025 but no file was opened for her since there was not an active Tribunal application against her at that time;
- b) She then contacted them again on 23 October 2025 and an appointment was made for 23 November 2025;
- c) The Respondent could not make that appointment due to her son being unwell and the first available appointment then was not until very shortly before the CMD, hence the application for a continuation;
- d) The level of arrears was not accepted and neither was the reasonableness of any eviction;
- e) The Respondent has 4 children, 1 of whom has autism and the Respondent herself suffers from anxiety and depression;
- f) The continuation would enable the Respondent to check and collate bank statements etc to establish the correct figure of arrears she felt was due, although she did concede she was in some arrears;
- g) She received about £500 per month by way of benefits to be applied to her rent, but she had used this for other expenses eg funeral expenses for family members;
- h) She had had a recent difficult pregnancy and considered she had had something of a breakdown due to this and losing members of her family;
- i) She had tried to obtain legal assistance earlier but had been unable to do so, as previously referred to, hence the late application for a continuation;
- j) She did not want to be made homeless and possibly go into hostel accommodation with her family;

- k) It was accepted that if the s33 route was procedurally satisfied, rent arrears being simply one factor in the overall decision as to reasonableness;
- l) She had already contacted the relevant authorities regarding the possibility of being made homeless; and
- m) She was seeking full-time employment and accepted she had perhaps not given this matter the attention she should have.

13. For the Applicant, it was submitted--

- a) There was virtually no substance in the opposition to the orders being sought and in any event, the Notice to Quit had been served some time ago (the Tribunal noted this to be 28 March 2025);
- b) Notwithstanding any defence on *quantum* in relation to the rent arrears application, which was not necessarily accepted, this did not and should not prevent the eviction order being granted for the reasons stated, any rent arrears being simply another factor for the Tribunal to take into account in reaching that decision;
- c) No rent at all had been paid after the Notice to Quit was served, the last payment being £650 on 27 March 2025 and arrears now stood at £5789, taking into account rent due as at 14 November 2025;
- d) The Property belonged to the Applicant, who now wished to realise its value as a capital asset for the reasons stated, to enable him to live and work abroad;
- e) Since all appropriate procedural steps had been taken and it was reasonable to do so for the reasons as advised, the eviction order should be granted.

FINDINGS IN FACT

- 14. The parties entered into a Short Assured Tenancy on the terms stated in preceding Paragraph 1, which continued until these proceedings.
- 15. Appropriate procedural steps were taken to bring the tenancy to an end.
- 16. The Applicant now seeks to realise the Property's value as a capital asset to enable him to live and work in Cyprus.

REASONS FOR DECISION

- 17. The Tribunal did not consider it reasonable to delay resolution of this application, as requested on behalf of the Applicant and under reference to Rule 17(4) of the Rules. The Respondent's agent confirmed that virtually the only matter of contention was the amount of rent arrears, which is being dealt with separately

under Tribunal reference CV/25/2716 and that matter alone was not sufficient to convince the Tribunal not to make a decision on this application.

18. Being satisfied as to the nature of the Tenancy and steps taken to bring it to an end, the Tribunal also considered if it was reasonable to make the order sought.
19. The Tribunal balanced all that was stated by both parties as to the reasonableness of making the eviction order and felt that the interests of the Applicant outweighed those of the Respondent.
20. It was so satisfied, on the basis of the information provided about the Applicant's proposed future plans to sell the property and move abroad, as well as steps taken by him to market the Property for sale.
21. In particular, it considered that the failure of the Respondent to pay any rent at all for some months and not to apply to her rent sums which she received for that very purpose did not demonstrate good faith on her part.
22. In all of these circumstances, the Tribunal considered it just and reasonable to grant the order for possession now sought.
23. Notwithstanding the making of said order, the Tribunal is content, in view of the forthcoming festive holiday period, to afford the Respondent until 16 January 2026 before same can be executed.

DECISION

24. To grant the order for possession sought by the Applicant.

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.

Steven Quither

10 DECEMBER 2025

Legal Member/Chair

Date