

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 33 of the Housing (Scotland)
Act 1988**

Chamber Ref: FTS/HPC/EV/25/2922

**Re: Property at Flat B 96 North Woodside Road, Glasgow, G20 7DN (“the
Property”)**

Parties:

**Mr Iain Green, Apartment 119, Al Ghozlan 2, The Greens, Dubai, United Arab
Emirates (“the Applicant”)**

**Mr Robert Ingram, Flat B, 96 North Woodside Road, Glasgow, G20 7DN (“the
Respondent”)**

Tribunal Members:

George Clark (Legal Member) and Nicholas Allan (Ordinary Member)

Decision

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that the application should be decided without a
Hearing and made an Order for Possession of the Property.**

Background

1. By application, dated 30 June 2025, the Applicant sought an Order for Possession of the Property under Section 33 of the Housing (Scotland) Act 1988 (“the 1988 Act”), namely recovery of possession on termination of a Short Assured Tenancy.
2. The application was accompanied by a copy of a Short Assured Tenancy Agreement between the Parties, commencing on 6 September 2017 and, if not terminated on 6 March 2018, continuing on a monthly basis thereafter, until terminated by either Party, and copies of a Notice under Section 33 of the 1988 Act and a Notice to Quit, both dated 12 March 2025 and both requiring the Respondent to vacate the Property by 6 June 2025.
3. On 17 October 2025, the Tribunal advised the Parties of the date and time of a Case Management Discussion, and the Respondent was invited to make written representations by 7 November 2025.

4. On 5 November 2025, the Respondent advised the Tribunal that he was not intending to question the reasons behind the application, but he asked the Tribunal to take into account the fact that he had recently sustained a fractured shoulder and was certified as not fit for work until 21 December 2025. The injury would cause logistical issues with his ability to move out of the Property, and he wished the Tribunal to have regard to this when setting an eviction date.

Case Management Discussion

5. A Case Management Discussion was held by means of a telephone conference call on the afternoon of 4 December 2025. The Applicant joined the Discussion by telephone from Dubai. The Respondent was present. Due to the absence of consent of the UAE Government to the giving of oral evidence by a Dubai resident by means of a telephone conference call, the Applicant did not give evidence, but merely confirmed he had no objection to the proposal of the Tribunal to determine that an Order for Possession could not be enforced before 31 January 2026.
6. The Respondent told the Tribunal that he understood the reason for the Applicant seeking possession to be that he is going through divorce proceedings and requires to sell the Property. The Respondent accepted the reasons behind the application and was not opposing it. He has taken advice from Citizens Advice and Social Care Connect, Glasgow, to the effect that he requires an Order for Possession to be made before the local authority will assist him with rehousing. He hopes to begin a phased return to work shortly and confirmed that he would be content if enforcement of the Order for Possession could be postponed to the end of January 2026.

Reasons for Decision

7. Rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 provides that the Tribunal may do anything at a Case Management Discussion which it may do at a Hearing, including making a Decision. The Tribunal was satisfied that it had before it all the information and documentation it required to enable it to decide the application without a Hearing.
8. Section 33 of the 1988 Act states that the Tribunal may make an Order for Possession of a house let on a Short Assured Tenancy if it is satisfied that the Short Assured Tenancy has reached its end, that tacit relocation is not operating, that no further contractual tenancy is for the time being in existence, that the landlord has given to the tenant notice stating that he requires possession of the house, and that it is reasonable to make the Order for Possession.
9. The Tribunal was satisfied that the tenancy had reached its end, that, by service of the Notice to Quit, tacit relocation was no longer operating, that there was no further contractual tenancy in existence between the Parties

and that the Notice required under Section 33 of the 1988 Act had been properly given. The remaining matter for the Tribunal to consider was, therefore, whether it would be reasonable to issue an Order for Possession.

10. In arriving at its decision as to whether it would be reasonable to make an Order for Possession, The Tribunal accepted that the Applicant wishes to recover the Property in order to sell it in connection with divorce proceedings and noted that the Respondent had indicated, after taking advice, that he was not opposing the application.

11. Having considered all the evidence before it, the Tribunal decided that it would be reasonable to make an Order for Possession but that, in view of the fact that the Respondent is recovering from a fractured shoulder, the normal 30-day period before it could be enforced should be extended to 31 January 2026.

12. The Tribunal's decision was unanimous.

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.

George Clark

Legal Member/Chair

4 December 2025
Date