



**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/25/2537**

**Re: Property at 12 Baldovie Road, Glasgow, G52 3EX (“the Property”)**

**Parties:**

**Mr Stephen Johnstone and Mrs Jacqueline Johnstone, both 25 Mirning Cres,  
Canberra, Australia, 2614, Australia (“the Applicants”)**

**Ms Kimberley Mason, 12 Baldovie Road, Glasgow, G52 3EX (“the  
Respondent”)**

**Tribunal Members:**

**George Clark (Legal Member) and Eileen Shand (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 18 March 2025, the Applicants 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 31 July 2014 and, if not terminated on 31 January 2015, continuing on a six-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 11 October 2024 and both requiring the Respondent to vacate the Property by 31 January 2025. The Applicants stated that, once they have possession of the Property, they intend to sell it, as they are currently residing in Australia and no longer wish to own property in Scotland, as they are retiring and caring for their eldest son, who requires full-time care following a road accident. They will be using the money from the sale to help buy a house for their youngest son in Australia. The

Applicants provided the Tribunal with a copy of a letter of 11 July 2025 from Scottish Property Centre, confirming their instructions to sell the Property.

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. The Respondent did not make any written representations to the Tribunal.

### **Case Management Discussion**

4. A Case Management Discussion was held by means of a telephone conference call on the afternoon of 8 December 2025. The Applicants were represented by Ms Jenna Thorpe of Jackson Boyd, solicitors, Glasgow. The Respondent was also present.
5. Ms Thorpe told the Tribunal that the Respondents' position was fully set out in the written representations before the Tribunal.
6. The Respondent told the Tribunal that she understood that the Applicants need to sell the Property and that she was not opposing the application. She had been trying to secure alternative accommodation but had to date been unsuccessful, so she would be looking to the local authority to rehouse her, but they would do nothing to help her unless she had an eviction date. She asked if this could be put back to the end of January 2026, to avoid her having to move out over the Christmas period. Ms Thorpe had no instructions regarding postponing the effect of the Order until the end of January but did not anticipate that this would be a problem for the Applicants,

### **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 Applicants wish to sell the Property and that they no longer wish to manage rented property in Scotland when they are resident in Australia with full-time caring responsibilities for their son. The Tribunal also noted that the Respondent was not opposing the application as she understood the reasons for the Applicants wishing to recover possession in order to sell it.

11. Having considered all the evidence before it, the Tribunal decided that it would be reasonable to make an Order for Possession but that the normal 30-day period before it could be enforced should be extended to 30 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.**

# G.Clark

Legal Member/Chair

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**8 December 2025**  
Date