



**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/25/2767**

**Re: Property at 95 Rockburn Crescent, Bellshill, Glasgow, ML4 3EX ("the Property")**

**Parties:**

**David Ian Glasgow, 1 The Fort, Helens Bay, Bangor, BT19 1PU ("the Applicant")**

**William Wood, Karis Reddin, 95 Rockburn Crescent, Bellshill, Glasgow, ML4 3EX ("the Respondents")**

**Tribunal Members:**

**Joel Conn (Legal Member) and Gerard Darroch (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 Respondents commencing on 22 December 2016.
2. The application was dated 26 June 2025 and lodged with the Tribunal on that date. The application relied upon a Notice to Quit and notice in terms of section 33 of the *Housing (Scotland) Act 1988*, both dated 17 October 2024. These provided the Respondents with notice (respectively) that the Applicant sought to terminate the Short Assured Tenancy and have the Respondent vacate, each by 22 December 2024. Evidence of service of the said notices by

recorded delivery service was included with the application, showing receipt on 18 October 2024.

3. Evidence of a section 11 notice in terms of the Homelessness Etc. (Scotland) Act 2003 served upon North Lanarkshire Council on 5 June 2025 was provided with the application.
4. In advance of the case management discussion (“CMD”) the Applicant lodged evidence of service against him of an action for repossession by his mortgage lender. (The original application papers referred to his desire to repossess due to such financial issues, and included a Calling Up notice served on him.)

### **The Hearing**

5. On 7 January 2026 at 10:00, at a CMD of the First-tier Tribunal for Scotland Housing and Property Chamber, sitting remotely by telephone conference call, we were addressed by Meaghan McDiarmid, Letting Manager, Hovepark Lettings for the Applicant. Due to earlier IT issues, the Applicant had failed to join at the start, but was able to dial in half-way through and provided some additional information later in the CMD. The Respondents were represented by the first named Respondent, who explained that his partner was working but that he was authorised to represent them both.
6. The Applicant’s agent confirmed that the application was still insisted upon. The Applicant’s agent explained that the Applicant had previously intended to sell the Property to raise funds but that an eviction decree in a repossession action by the mortgage lender had now been obtained, and the mortgage lender was now investigating raising action against the Respondents before the Tribunal. The mortgage lender however appeared to be holding matters awaiting an update on this application. The Applicant was thus now seeking to recover possession so as to surrender possession of the Property direct to the mortgage lender. The Applicant provided an update on his financial issues. He explained that he had previously had a portfolio of 14 properties with three different mortgage lenders across the portfolio. He had sold three to raise funds. A further five had been surrendered to their mortgage lenders and he was at various stages in repossession processes or voluntary surrender for the rest, including the Property.
7. We sought the Respondents’ position. The first named Respondent confirmed that they did not oppose the application. He said that the Respondents had sought new housing in the private rented sector but nothing was available in their price range. They had thus placed themselves on the housing list and believed that their application would be advanced if an order for eviction was granted against them. He understood that they had been designated as “under threat of eviction” by the housing authority.
8. We appreciated the Respondents’ candour and clarified with the first named Respondent that he understood that, by extending no defence, eviction may be granted without any guarantee of what rehousing they may be offered. He confirmed this was understood. He further confirmed that he understood that

the eviction process may commence within 31 days of any order. We asked whether he sought any delay in that process. He confirmed that the Respondents did not seek any special terms or suspension of the order for eviction.

9. We sought further information from the Respondents on reasonableness:
  - a. The Property was a three-bedroom terraced property.
  - b. The Respondents lived there with their three children: an 18 year old daughter in full-time employment, a 13 year old daughter who was in education in a local non-mainstream school, and a 10 year old son who was in education in a local mainstream school.
  - c. The first named Respondent worked part-time and was also a carer for their 13 year old (for the condition for which she receives non-mainstream education: we were provided details of their daughter's condition but decline to include those details here).
  - d. The second named Respondent worked full-time.
  - e. The Property had no special adaptations.
  - f. The Property was suitable for their use due to proximity to family members and the younger two children's schools.

The Applicant provided no dispute to the Respondents' submissions.

10. No order for expenses was sought.

### **Findings in Fact**

11. By written lease dated 20 and 22 December 2016, the Applicant let the Property to the Respondents with a start date of 22 December 2016 until 21 June 2017 which would "continue thereafter on a month to month basis" ("the Tenancy").
12. The Tenancy was a Short Assured Tenancy in terms of the Housing (Scotland) Act 1988 further to the Applicant issuing the Respondents with a notice under section 32 of the 1988 Act (an "AT5") on 22 December 2016, prior to commencement of the Tenancy.
13. On 17 October 2024, the Applicant's agent drafted a Notice to Quit in correct form addressed to the Respondents, giving the Respondent notice that the Applicant wished him to quit the Property "by 22<sup>nd</sup> December 2024".
14. On 17 October 2024, the Applicant's agent drafted a Section 33 Notice under the 1988 Act addressed to the Respondents, giving the Respondents notice that the Applicant required "vacant possession" of the Property "as at 22<sup>nd</sup> December 2024".
15. 21 December 2024 is an ish date of the Tenancy.
16. On or about 17 October 2024, the Applicant's agent competently served each of the notices upon the Respondents by recorded delivery. The Respondents were thus provided with sufficient notice of the Applicant's intention that the

Tenancy was to terminate and vacant possession provided by 22 December 2024 following an ish date.

17. On or around 26 June 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 ish; 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.
18. A section 11 notice in the required terms of the Homelessness Etc. (Scotland) Act 2003 was served upon North Lanarkshire Council by the Applicant on or after 5 June 2025.
19. On 4 November 2025, a Sheriff Officer acting for the Tribunal intimated the application and associated documents upon the Respondents, providing the Respondents with sufficient notice of the CMD of 7 January 2026.
20. The Applicant seeks to recover possession of the Property in consideration of his financial issues, specifically with his mortgage. The Applicant's mortgage lender has sought repossession of the Property and the Applicant wishes to surrender the Property to the lender so as to reduce his indebtedness.
21. The Respondents live in the Property with their three children, aged 10, 13 and 18. Their 13 year old daughter is in non-mainstream education.
22. The Respondents have been seeking rehousing but have not yet been rehoused.

### **Reasons for Decision**

23. 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. We considered the wording of the section 33 notice and Notice to Quit and that it referred to the day after the ish date. In the case of the section 33 notice, sufficient notice was nonetheless provided. In respect of the Notice to Quit, we felt that the notice was – read as a whole – comprehensible and sufficient to terminate the Tenancy in that it could be understood to refer to the date by which vacant possession was to be provided. In all the circumstances, we were satisfied that the requirements of the 1988 Act had been complied with. In any event, the Respondents extended no defence or dispute to the notices.
24. 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 Respondents offered no opposition. The Respondents understood the application and the implications of making no opposition. They had sought assistance with social housing. The Applicant's financial issues were well-vouched and not disputed

by the Respondent. It was abundantly clear why he may wish to recover possession of the Property and surrender it to his lender. We were thus satisfied that the Applicant's reasons for seeking eviction were reasonable and it was reasonable to evict.

25. In the circumstances before us, we were thus satisfied that it was reasonable to grant the application. 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 the CMD.

### **Decision**

26. In all the circumstances, we make the decision to grant an order against the Respondents for possession of the Property under section 33 of the Housing (Scotland) Act 1988.

### **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.**

**J Conn**

7 January 2026

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Legal Member/Chair

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Date