



**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/25/2878

Re: Property at 73 Malaig Road, Glasgow, G51 4NJ (“the Property”)

Parties:

Mr William Brown, Ms Jean Boyle, 62 Northpark Street, Glasgow, G20 7AE (“the Applicant”)

Ms Debbie Boyle, 73 Malaig Road, Glasgow, G51 4NJ (“the Respondent”)

Tribunal Members:

Alison Kelly (Legal Member) and Sandra Brydon (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the order for eviction should be granted.

1. On 3rd July 2025 the Applicant lodged an Application with the Tribunal under Rule 66 of the First Tier Tribunal for Scotland (Housing and Property Chamber Rules of Procedure) 2017 (“The Rules”), seeking an order to evict the Respondents from the property.

2. Lodged with the application were: -
 - a. Short Assured Tenancy Agreement initially running from 1st April 2017 for six months and monthly thereafter;
 - b. AT5 Notice dated 31st March 2017;
 - c. Notice to Quit dated 25th November 2024 for 1st April 2025;
 - d. Section 33 Notice dated 25th November 2024 for 1st April 2025.

3. The Application was served on the Respondent by Sheriff Officers on 11th November 2025.

Case Management Discussion

4. The Case Management Discussion (“CMD”) took place by teleconference. The Applicant was represented by Ms Ahmed of Fingertip Lettings Ltd. There was no attendance by the Respondent nor any representative on her behalf.
5. The Chairperson explained the purposes of a CMD in terms of Rule 17 of the Rules. The Chairperson explained that the Applicant needed to provide sufficient evidence to establish the ground of eviction, and also that it was reasonable for the Tribunal to grant the order.
6. Ms Ahmed sought an order for eviction in terms of sections 19 and 33 of the Housing (Scotland) Act 1988. The tribunal was satisfied that the ground was met.
7. In relation to the test of reasonableness Ms Ahmed explained that the Applicants are pensioners and are currently living between their daughter's house and a caravan. Both have had knee surgery and require to sell this property to allow them to purchase ground floor accommodation for themselves.
8. Ms Ahmed said that the Respondent lives with her two children, one of which is now an Adult. She has a good relationship with the Applicants but has been advised not to leave the property until an eviction order has been granted. She has contacted the local authority and is on the housing list.

Findings in Fact

- i. The parties entered into a Short Assured Tenancy Agreement in respect of the property;
- ii. The tenancy commenced on 1st April 2017, with the initial term of six months, and monthly thereafter;
- iii. Notice To Quit and Section 33 Notice were served;
- iv. The Short Assured Tenancy has reached its lsh;
- v. Tacit relocation is not operating;
- vi. The Application was served on the Respondent by Sheriff Officer on 13th November 2025;
- vii. The Applicants require to sell the property to then purchase suitable accommodation for them to live in;
- viii. The Respondent lives in the property with two children, one now an Adult;
- ix. The Respondent has applied for local authority housing.

Reasons For Decision

9. Section 33 of the Housing (Scotland) Act 1988 is as follows:

(1) *Without prejudice to any right of the landlord under a short assured tenancy to recover possession of the house let on the tenancy in accordance with sections 12 to 31 of this Act, the First-tier Tribunal may make an order for possession of the house if the Tribunal is satisfied—*

- (a) *that the short assured tenancy has reached its finish;*
- (b) *that tacit relocation is not operating;*
- (c)
- (d) *that the landlord (or, where there are joint landlords, any of them) has given to the tenant notice stating that he requires possession of the house and*
- (e) *that it is reasonable to make an order for possession.*

(2) *The period of notice to be given under subsection (1)(d) above shall be—*

- (i) *if the terms of the tenancy provide, in relation to such notice, for a period of more than two months, that period;*
- (ii) *in any other case, two months.*

(3) *A notice under paragraph (d) of subsection (1) above may be served before, at or after the termination of the tenancy to which it relates.*

(4) *Where the First-tier Tribunal makes an order for possession of a house by virtue of subsection (1) above, any statutory assured tenancy which has arisen as at that finish shall end (without further notice) on the day on which the order takes effect.*

(5) *For the avoidance of doubt, sections 18 and 19 do not apply for the purpose of a landlord seeking to recover possession of the house under this section.*

9. The Tribunal is satisfied that the Short Assured Tenancy has been brought to an end and that tacit relocation is not operating. The Tribunal is also satisfied that it is reasonable to grant the order as the Applicants require to sell it to fund purchase of suitable accommodation for their needs, the Respondent has applied to the local authority for housing, and the Respondent has not opposed the application.

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.

A Kelly

Legal Member/Chair

— Date: 12/01/2026