



**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/25/3169

Re: Property at 89 E Mallots View, Newton Mearns, G77 6FD (“the Property”)

Parties:

**RACS Investments LTD, RACS Investments LTD, 4.5 The Studio, Kirkhill
House, 81 Broom Road East, Newton Mearns, G55 5LL (“the Applicant”)**

**Mr Cheryl Cassidy, 89 E Mallots View, Newton Mearns, G77 6FD (“the
Respondent”)**

Tribunal Members:

Yvonne McKenna (Legal Member) and Mary Lyden (Ordinary Member)

Decision

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that an order for possession upon termination of a short
assured tenancy be granted**

Background

1. By application to the Tribunal the Applicant sought an eviction order against the Respondent in respect of the Property under section 33 of the Housing (Scotland) Act 1988. In support of the application the Applicant provided the following documentation:-

- (i) Short Assured Tenancy Agreement between the parties dated 18 July 2017 together with Form AT5 dated 18 July 2017 ;
- (ii) Notice to Quit dated 10 May 2025 together with proof of service by report of sheriff officers dated 13 May 2025;

- (iii) Notice under section 33 of the Housing (Scotland) Act 1988, dated 10 May 2025 together with proof of service by report of sheriff officers dated 13 May 2025;
- (iv) Notice under section 11 of the Homelessness (Scotland) Act 2003 to East Renfrewshire Council dated 21 July 2025
- (v) Tenant information pack dated 12 July 2017;

2. By Notice of Acceptance of Application dated 7 August 2025, a Legal Member with delegated powers of the Chamber President intimated that there were no grounds on which to reject the application. A Case Management Discussion was assigned for 10 December 2025 to take place by teleconference. A copy of the application paperwork, together with notification of the date and time of the Case Management Discussion, and instructions on how to join the teleconference, was intimated to the Respondent by Sheriff Officers, on 23 October 2025.

3. On 11 November 2025 the Respondent lodged written representations in respect of the application with the Tribunal. She stated that she had registered herself homeless with the local authority, and as soon as they had found her another property she would be happy to move out.

Case Management Discussion

4. The Case Management Discussion ('CMD') took place by teleconference on 10 December 2025 at 2pm. The Applicant was represented by Mr Graham McDonald of Chantelle Estates who was present on the line. The Respondent was also present.

5. The Tribunal explained the purpose of the CMD, and asked Mr McDonald to address the Tribunal on the Applicant's position. 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. She asked the Applicant's representative to let the Tribunal have sight of the sheriff officers' execution of service regarding the notices served on 10 May 2025. These were duly forwarded on to the Tribunal by Mr McDonald. The Respondent accepted that she had been served these notices.

6. Mr McDonald sought an order for eviction in terms of sections 19 and 33 of the Housing (Scotland) Act 1988. He said that the Applicant was looking to sell the property. There were no issues with the Respondent as a tenant. She had been an ideal tenant throughout the tenancy. The Applicant's circumstances had changed since the pandemic. They have now sold three properties from their portfolio, which originally comprised seven properties. This was due to pressures from banking institutions regarding outstanding loans, and tax implications. They had allowed the tenant to remain resident in the Property for a very low rent. The current market value is £200 more per month than the Respondent is being charged, but they

appreciate that would be too much for her. The rental received does not cover the individual costs for the Property.

7. Ms Cassidy said that she has approached East Renfrew Council's Homeless Unit as she cannot afford another private let. The Team are waiting to offer something to her. They have been unable to indicate a timescale when that will happen. She is resident in the two bed roomed Property with her partner, her 19 year old daughter and her 14 month baby. She has nowhere else to go, and has been unable to leave. Her daughter is a fulltime student, and works part time. The Respondent is currently not working, prior to having her baby she worked at a local shopping centre. Her partner is employed full time in a wine bar. The Respondent is a member of the local church, and the family's life is very much based in the local area. There are no health issues for the family as a whole.

Findings in Fact

8.

i. The parties entered into a Short Assured Tenancy Agreement in respect of the property;

ii. The tenancy commenced on 18 July 2017 with the initial term being from 18 July 2017 to 18 January 2018, and monthly thereafter;

iii. Notice To Quit and Section 33 Notice were served timeously and correctly;

iv. The Short Assured Tenancy has reached its end;

v. Tacit relocation is not operating;

vi. The Application was served on the Respondent by Sheriff Officer on 23 October 2025;

vii. The Applicant wishes to sell the Property;

viii. The Respondent lives in the property with her partner, her adult daughter and her young child aged 14 months.

Reasons for Decision

9. The Tribunal was satisfied at the CMD that it had sufficient information upon which to make a decision, and that to do so would not be prejudicial to the interests of the parties. The Tribunal did not consider there to be any requirement to fix a hearing on the matter as there were no issues to be resolved.

10. The Tribunal was satisfied that the Respondent had been served with a valid Notice to Quit, and Notice under section 33 of the Housing (Scotland) Act 1988. The Tribunal is satisfied that the Short-Assured Tenancy has been brought to an end by service of the Notice to Quit, and that tacit relocation is not operating. The issue for the Tribunal to determine therefore was whether it was reasonable in all the circumstances to grant an eviction order.

11. The Tribunal is also satisfied, as there is no opposition from the Respondent, and the Applicant being entitled to bring the tenancy to an end in terms of the 1988 Act, that it is reasonable to grant the order. Therefore having balanced the particular facts and circumstances of this case, the Tribunal concluded that it would be reasonable to make an eviction order.

12. The Tribunal has also decided that in light of the time of year, and that professional services and local authorities tend to shut down over the Christmas period that it would be reasonable to delay extract of the order until 30th January 2026. This recognises that it will be difficult for the local authority to provide suitable accommodation for the Respondent and her family at short notice at this time of year.

13. The decision of the Tribunal 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.



Legal Member/Chair

10 December 2025

Date

