

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/24/5006

Property: 2/1, 272 London Road, Glasgow G40 1PT ("Property")

Parties:

**Michael Yoemans, West Dumgoyne, West Lennox Drive, Helensburgh G84 9AB
("Applicant")**

Burke Legal, 72 Bank Street, Galashiels TD1 1EL ("Applicant's Representative")

Sharon McCall, 2/1, 272 London Road, Glasgow G40 1PT ("Respondent")

**Legal Services Agency Ltd, Savoy House, 140 Sauchiehall Street, Glasgow
("Respondent's Representative")**

Tribunal Members:

Joan Devine (Legal Member)

Mary Lyden (Ordinary Member)

Decision

**The First-tier Tribunal for Scotland (Housing and Property Chamber)
("Tribunal") determined that an order for possession of the Property should be
made but to delay enforcement until 14 April 2026.**

Background

The Applicant sought recovery of possession of the Property. The Applicant had lodged Form E. The documents produced were: Short Assured Tenancy Agreement and AT5 dated 29 October 2012; Notice to Quit and Notice in terms of section 33 of the Housing (Scotland) Act 1988 ("1988 Act") both dated 29 April 2024 and both addressed to the Respondent; sheriff officer certificate of service evidencing service of the Notice to Quit and Section 33 Notice on the Respondent on 1 May 2024; notification to the Local Authority in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003 with covering email dated 5 November 2024 and sheriff officer execution of service confirming service of the application on the Respondent on 10 April 2025. On 6 June 2024 the Respondent's Representative lodged a written representation along with email from West of Scotland Housing Association, email

from Thenue Housing, medical records for the Respondent and her son, Sean McCall Leitch.

Case Management Discussion (“CMD”)

A CMD took place before the Tribunal by conference call on 8 July 2025. Reference is made to the note of the CMD. The outcome was that the CMD was continued to allow the Respondent to consider a proposal put to her by the Applicant.

Continued CMD

A continued CMD took place before the Tribunal by conference call on 20 January 2026. Iain Burke of the Applicant’s Representative was in attendance as was Luisa Fidelo of the Respondent’s Representative.

Ms Fidelo told the Tribunal that the Respondent no longer opposed the grant of the order but sought a delay in enforcement of 12 weeks from the date of the order. She said that Glasgow City Council homeless team had advised that the Respondent would not be considered intentionally homeless in these circumstances. She said that the temporary accommodation offered was a hotel or a bed and breakfast which was not suitable for the Respondent’s son. She said that she intended to liaise with the Council regarding alternative temporary accommodation that was suitable. She said that a delay of 12 weeks was requested as that was the longest period she had encountered to date in resolving the question of the type of temporary accommodation to be provided. Mr Burke said that his client would consent to the order being granted but delayed for a period of 12 weeks.

The Tribunal sought further information from Ms Fidelo. She told the Tribunal that the Council were aware of the Respondent’s complex health issues in this case. She said that the Applicant had sought to increase the rent to £750 but this had been disputed as the paperwork was incorrect. She said she intended to obtain reports regarding the sort of accommodation that would be suitable for the Respondent and her son.

Findings in Fact

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent entered into a short assured tenancy agreement dated 29 October 2012.
2. The tenancy was for the period 29 October 2012 to 29 April 2013 and month to month thereafter.
3. A Notice to Quit dated 29 April 2024 was served on the Respondent on 1 May 2024 stating that the tenancy would terminate on 29 July 2024.

4. A Notice in terms of Section 33 of the 1988 Act dated 29 April 2024 was served on the Respondent on 1 May 2024 stating that possession of the property was required on 29 July 2024.
5. The tenancy reached its *ish* on 29 July 2024 and is not continuing by tacit relocation.
6. Notification was provided to the Local Authority in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003.

Reasons for the Decision

The Tribunal determined to make an Order for possession of the Property in terms of Section 33 of the 1988 Act but to delay enforcement for a period of 12 weeks. The Tribunal noted that the tenancy had been properly created as a short assured tenancy and that a Section 33 Notice and Notice to Quit had been served on the Respondent giving two months' notice that the Applicant required possession of the Property. Having considered all of the circumstances, and in light of the Respondent's position as explained at the continued CMD, the Tribunal determined that it was reasonable to issue an eviction order

Decision

The Tribunal grants an Order for possession of the Property but to delay enforcement until 14 April 2026.

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. Devine

Legal Member

Date : 20 January 2026