



**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/25/2150**

**Property: 4 Partickhill Road, Flat 20 Westside Gardens, Partickhill, Glasgow G11 5BL ("Property")**

**Parties:**

**Corinne Kelt, 3, The Den, Deevieview Road South, Cults, Aberdeen AB15 9NA ("Applicant")**

**Aberdein Considine & Company, 18 Waterloo Street, Glasgow G2 6DB ("Applicant's Representative")**

**Michael Quigley, 4 Partickhill Road, Flat 20 Westside Gardens, Partickhill, Glasgow G11 5BL ("Respondent")**

**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.**

**Background**

The Applicant sought recovery of possession of the Property. The Applicant had lodged Form E. The documents produced were: Short Assured Tenancy Agreement which commenced on 7 April 2016 and AT5; Notice to Quit and Notice in terms of section 33 of the Housing (Scotland) Act 1988 ("1988 Act") both dated 22 January 2025 and both addressed to the Respondent; royal mail proof of delivery on 28 January 2025; statement of the Applicant; notification to the Local Authority in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003 with covering email and sheriff officer execution of service confirming service of the application on the Respondent on 21 November 2025. On 23 December 2025 the Applicant's Representative lodged an updated statement of rent arrears which indicated arrears of £13,200 for the period 7 January 2025 to 22 December 2025. The Applicant's

Representative intimated a copy to the Respondent. On 18 January 2026 the Applicant's Representative lodged a written submission.

### **Case Management Discussion (“CMD”)**

A CMD took place before the Tribunal by conference call on 20 January 2026. The Applicant was in attendance and was supported by Mr Farquharson. Elaine Elder of the Applicant's Representative was also in attendance. The Respondent was not in attendance.

Ms Elder told the Tribunal that the Applicant thought that the Respondent may have lost his job. She said that there had been arrears in the past but these had been addressed. She said that numerous reminders regarding the arrears had been issued to the Respondent but no response was received.

The Applicant told the Tribunal that the Respondent lives in the Property alone and is aged “late fifties”. She said she was not aware of any health or disability issues. She said that the Property has 2 bedrooms and 2 bathrooms, living room and kitchen plus an underground carpark and a lift to the Property which is on the second floor. She said that this is the only rental property that she owns and she now intends to sell it. She said she had spoken to the Respondent about repairs in December but had not asked him about alternative accommodation as she did not want to make him feel pressured. She said she did not know if he had engaged with the local authority about alternative accommodation.

### **Findings in Fact**

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent entered into a short assured tenancy agreement which commenced on 7 April 2016.
2. The tenancy was for a period of 12 months from 7 April 2016 to 7 April 2017 and month to month thereafter.
3. A Notice to Quit dated 22 January 2025 was served on the Respondent on 28 January 2025 stating that the tenancy would terminate on 7 April 2025.
4. A Notice in terms of Section 33 of the 1988 Act dated 28 January 2025 was served on the Respondent on 28 January 2025 stating that possession of the property was required on 7 April 2025.
5. The tenancy reached its *ish* on 7 April 2025 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. 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 lack of opposition from the Respondent, the Tribunal determined that it was reasonable to issue an eviction order.

### **Decision**

The Tribunal grants an Order for possession of the Property.

### **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.**

*Joan Devine*

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Legal Member

Date : 20 January 2026