



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 (“the 1988 Act”) and Rule 66 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Regulations”).

Reference number: FTS/HPC/EV/25/4771

Re: Property at 49B Clelland Avenue, Bishopbriggs, Glasgow, G64 1RJ (“the Property”)

The Parties:

Mr Andrew Heaney and Karen Heaney, Easter Carbeth, Blanefield, Glasgow, G63 9AS (“the Applicants”)

Miss Donna Anderson, 49B Clelland Avenue, Bishopbriggs, Glasgow, G64 1RJ (“the Respondent”)

Tribunal Members:

Robert MacDonald (Legal Member) and Mary Lyden (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“The Tribunal”) determined that the application should be decided without a hearing and issued an eviction order against the Respondent.

Background

1. The Tribunal received an application on 6th November 2025 in which the Applicants sought an eviction order under rule 66, on the basis that the Short Assured Tenancy which had commenced on 16th November 2015 had been brought to an end by service of the relevant notices. Supporting documentation was submitted including:-

- a. A copy of the tenancy agreement;
- b. Form AT5;
- c. Notice to Quit;
- d. Section 33 Notice;
- e. Section 11 Notice to the Local Authority.

2. The application was accepted by the Tribunal on 30th December 2025. A case management discussion (“CMD”) was set down to take place on 15th May 2026. Service of the application and details regarding this CMD was intimated to the Respondent by Sheriff Officer letterbox service on 10th April 2026.

3. On 23rd April 2026, the Applicant’s representative lodged an Affidavit by the First Applicant setting out the Applicant’s position in respect of this application.

4. No written representations were received from or on behalf of the Respondent prior to the CMD.

Case Management Discussion

5. The CMD took place by telephone conference for 2pm on 15th May 2026. Present at the CMD were the Applicant’s and their representative Ms Linich, trainee solicitor, Jackson Boyd Solicitors. The Respondent did not attend. The Tribunal delayed the commencement of the CMD for about five minutes to allow the Respondent an opportunity to join late but she did not do so.

6. Ms Linich moved the application for eviction for the Respondent. She told the Tribunal that the Applicants no longer wish to continue as landlords due to ill health. She confirmed that the Applicant’s position was as set out in Mr Heaneys affidavit, which stated that the Applicants had sold two out of a portfolio of four properties. They had commenced proceedings in relation to this and the other remaining property.

Mr Heaney had encountered health difficulties in the last two years and had become unwell to the extent that he was no longer able to manage the practical day to day running of the tenancies. The Applicant's had made unsuccessful attempts to sell the property with the Respondent as a sitting tenant. In this regard they had approached East Dunbartonshire Council and local housing associations, none of whom were interested in purchasing the property with the sitting tenant.

7. Ms Linich told the Tribunal that there was a rent arrear, but the Respondent had entered into an arrangement to re-pay the arrear to the Applicants at the rate of £155 per month. The Applicants' representative had little information about the Respondent. Mrs Heaney was able to tell the Tribunal that she understood that the Respondent was in her fifties and was living in the property by herself. She was not working and rent was being paid by Universal Credit. There was no one else living in the property. Mrs Heaney was not able to say to what extent the Respondent had engaged with the Local Authority in relation to re-housing. The rent was currently £535 per month, having been increased from £495 when the tenancy commenced in 2015.

Findings in Fact and Law

8. The parties entered into a Short Assured Tenancy in respect of the property.

9. The Short Assured Tenancy Agreement initially ran from 16th November 2015 to 16th May 2016 and two monthly thereafter.

10. A Notice to Quit and Section 33 Notice was served timeously and correctly.

11. The Short Assured Tenancy has reached its ish

12. Tacit relocation is not operating.

13. The application was served on the Respondent by Sheriff Officer on 10th April 2026.

14. The Respondent lives in the property by herself.

15. The Applicants no longer wanted to be landlords. They were disposing of their property portfolio due to the ill health of the First Applicant.

16. The Applicants are owners of the property in terms of Land Certificate title number GLA96556.

17. It is reasonable to grant the order sought for eviction of the Respondent.

Reasons for Decision

18. Rule 17 of the First Tier Tribunal for Scotland (Housing and Property Chamber)(Procedure) Regulations 2017 provide that the Tribunal may do anything at the Case Management Discussion which may do at a hearing including making a decision.

19. The Tribunal was satisfied having considered all the documentary evidence before the Tribunal and the submissions from the Applicant that it has sufficient information before it to make the relevant findings in fact and to enable it to reach a decision on the application. The Tribunal accepted the documentary evidence and the submissions from the Applicants.

20. The Tribunal was satisfied that the Applicant had complied with the statutory requirements in relation to service of a notice in terms of s33 of the Housing (Scotland) Act 21988 and a notice to quit on the respondent, as well as intimation to the Local Authority.

21. The Respondent had been given the opportunity to lodge written representations and not done so.

22. The Respondent had not attended the Case Management Discussion.

23. The Tribunal accordingly determined that the requirements in Section 33(1) of the Housing (Scotland) Act 1988 had been complied with and made an order for possession of the property.

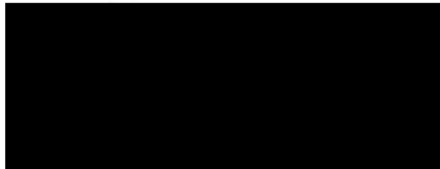
24. The decision of the Tribunal was unanimous.

Decision

1. The Tribunal granted 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.



Robert MacDonald

15th May 2026

Legal Member/Chair

Date