



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 Act”)

Chamber Ref: FTS/HPC/EV/25/2852

Re: Property at 92 South Commonhead Avenue, Airdrie, ML6 6PA (“the Property”)

Parties:

Mr John Shannon, 31 South Commonhead Avenue, Airdrie, ML6 6PA (“the Applicant”)

Miss Elizabeth M Downie, 92 South Commonhead Avenue, Airdrie, ML6 6PA (“the Respondent”)

Tribunal Members:

Andrew McLaughlin (Legal Member) and Elizabeth Williams (Ordinary Member)

Decision (in absence of the Respondent)

[1] The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted the Application and made an Eviction Order subject to the provision that it may not be enforced before 29 June 2026.

Background

[2] The Applicant seeks an Eviction Order under Section 33 of the Act. The Application is accompanied by a copy of the relevant tenancy agreement; the relevant notice under Section 33 of the Act; the relevant notice to quit; the relevant notice under Section 11 of the Homelessness (etc) (Scotland) Act 2003 and proof of service.

The Case Management Discussion

[3] The Application called for a Case Management Discussion (CMD) by conference call at 2pm on 8 May 2026. The Applicant was represented by Mr John MacAulay. The Respondent was present and explained that she was not opposed to the Application and was prepared and willing to move out. There was a discussion during which the parties agreed that allowing some more time for the Respondent to move out would be helpful. It was agreed that delaying the date for execution of the order to 29 June 2026 would allow the Respondent's daughter to complete the school term.

[4] The Tribunal carefully considered the reasonableness or otherwise of granting the Application. Having considered the Application and submissions made, the Tribunal made the following findings in fact.

Findings in Fact

- 1. The Applicant let the Property to the Respondent by virtue of a Short-Assured Tenancy within the meaning of the Act;*
- 2. The Applicant competently ended the tenancy by competently serving a notice under Section 33 of the Act and a notice to quit;*
- 3. The Applicant has served the requisite notice under Section 11 of the Homelessness (etc) (Scotland) Act 2003;*
- 4. The Applicant wishes to sell the Property.*
- 5. The Respondent and her daughter are content to vacate the Property.*

Reasons for Decision

[5] Having made the above findings in fact, the Tribunal found that the tenancy had been validly ended under Section 33 of the Act and that it was reasonable to make an Eviction Order. The Tribunal therefore granted the Application subject to the provision that it may not be enforced before 29 June 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.

Andrew McLaughlin

Legal Member/Chair

8 May 2026

Date