

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 16 of the Housing (Scotland) Act 2014 and Section 18 of the Housing (Scotland) Act 1988.

Chamber Ref: FTS/HPC/EV/25/4326

Re: Property at 339 Glasgow Harbour Terrace 6/2, Glasgow, G11 6BH (“the Property”)

Parties:

Sava Estates Limited, c/o 5-6 Melville Place, Edinburgh, EH3 7PR (“the Applicant”) and

Direct Lettings Scotland Ltd, 5-6 Melville Place, Edinburgh, EH3 7PR (“the Applicant’s Representative”) and

Ms Siu Ling Poon, 339 Glasgow Harbour Terrace 6/2, Glasgow, G11 6BH (“the Respondent”)

Tribunal Members:

**G McWilliams- Legal Member
M Lyden - Ordinary Member**

Decision:

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to grant the Application.

Background and Case Management Discussion on 14th May 2026

1. This is an Application brought in terms of Rule 66 (Application for order for possession upon termination of a short-assured tenancy) of The First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure (“the 2017 Rules”).
2. The Applicant’s Representative had provided the Tribunal, in the Application, with copies of the parties’ Short Assured Tenancy Agreement, Form AT5, Notice to Quit (“NTQ”) and Sections 33 and 11 Notices with relevant Executions of Service. All of these documents and forms had been correctly and validly prepared in terms of the provisions of the Housing (Scotland) Act

1988 (“the 1988 Act”), and the procedures set out in the Act had been correctly followed and applied.

3. Sheriff Officers had served copies of the Application papers, Guidance Notes and notification of the CMD on the Respondent Ms Poon on 2nd April 2026.
4. A Case Management Discussion (“CMD”) proceeded remotely by telephone conference call at 2.00pm on 14th May 2026. The Applicant’s Representative’s Ms McDermott and Ms Poon attended. Ms McDermott referred to the Application papers and said that the Applicant company Sava Estates Limited wishes to recover possession of the Property in order to sell it. She said that they have been marketing the Property for sale, with Ms Poon as tenant in situ for some time. Ms McDermott stated that Ms Poon’s rent it up to date. She acknowledged that Ms Poon is trying to purchase her own property and said that the Applicant company would be agreeable to some further time being allowed to Ms Poon to enable her to buy her own home before they would consider carrying out any enforcement action in terms of an eviction order that may be granted.
5. Ms Poon stated that she is actively seeking to move out of the Property and buy her own home. She said that she has a mortgage offer in principle and has already made two unsuccessful offers for other properties. Ms Poon stated that she would like to be given sufficient time to buy another property and move there. She said that due to her work commitments she does not anticipate being able to move out of the Property for several months.

Statement of Reasons

7. In terms of Section 33 of the 1988 Act, the Tribunal shall make an order for possession of a house let on a tenancy if:

- (a) the short assured tenancy has reached its ish;
- (b) tacit relocation is not operating;
- (c) no further contractual tenancy (whether a short assured tenancy or not) is for the time being in existence; and
- (d) the landlord has given to the tenant notice stating that he requires possession of the house.

8. The Tribunal considered all of the available evidence and the submissions of Ms McDermott and Ms Poon. The Tribunal found in fact that all of the documentation regarding termination of the parties’ tenancy agreement had been validly served on Ms Poon. They found that Ms Poon is actively seeking to move out of the Property. Having made such findings in fact the Tribunal found in law that the parties’ tenancy agreement has been lawfully brought to an end in terms of the relevant legislation and that it is reasonable to grant an eviction order. The Tribunal also decided that it is reasonable to grant an eviction order with a deferred enforcement date of 31st August 2026. In reaching the latter decision the Tribunal placed reliance on Ms Poon’s history of being a good tenant, and the Tribunal’s knowledge that it may take some

time for Ms Poon to successfully buy and move into another property. The Tribunal considered that it was fair to allow Ms Poon an extended period to do so.

Decision

9. The Tribunal granted an order for Sava Estates Limited's recovery of possession of the Property as sought in the Application, with a deferred enforcement date of 31st August 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.

G McWilliams

14th May 2026

Legal Member

Date