



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, as amended (“the Regulations”)

Chamber Ref: FTS/HPC/EV/26/0187

Re: Property at 48 Ivanhoe Road, Cumbernauld, G67 4BH (“the Property”)

Parties:

Mr Richard Moir, 94 Stirling Road, Kilsyth, G65 0HY (“the Applicant”)

Ms Kerry Tippet, Mr Peter James Macallister, 48 Ivanhoe Road, Cumbernauld, G67 4BH; 48 Ivanhoe Road, Cumbernauld, G67 4BH (“the Respondents”)

Tribunal Members:

Nicola Weir (Legal Member) and Robert Buchan (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application for the order for possession should be granted.

Background

1. The application received on 13 January 2026 sought an eviction order under Rule 66 on the basis that the Short Assured Tenancy had been brought to an end by service of the relevant notices. Supporting documentation was submitted, including a copy of the tenancy agreement, AT5, Notice to Quit, Section 33 Notice and section 11 Notice to the local authority. The Short Assured Tenancy began on 7 August 2015.
2. Following initial procedure, the application was accepted by the Tribunal on 23 March 2026 and notified to the Respondents by Sheriff Officer on 1 July 2026, together with details of the scheduled Case Management Discussion (“CMD”).

Written representations from the Respondents were invited but none were lodged prior to the CMD.

3. On 14 July 2026, the Applicant's representative lodged a letter from the Applicant dated 13 July 2026, which explained his reasons for seeking an eviction order. He stated that the Property was the last remaining asset of a limited company, of which he was sole Director. The company had not traded for nine years. He now needs to sell the Property in order to close the company. He is now retired and has been diagnosed with a life-threatening illness. He explained that he was attempting to make things easier for his family to deal with.

Case Management Discussion

4. The Case Management Discussion ("CMD") took place by telephone conference call on 4 August 2026 at 2pm. In attendance was the Applicant, Mr Richard Moir, represented by Ms Angela McAllister of Keycentral Property. Both Respondents, Ms Kerry Tippet and Mr Peter Macallister, were also in attendance.
5. Following introductions and introductory comments by the Legal Member, the Respondents were asked to confirm their position in respect of the application. Ms Tippet confirmed that they were aware of the Applicant's ill-health and need to sell the Property and that they were not opposing the application. They have contacted the local authority and are awaiting social housing but are aware that their housing application will not progress until these Tribunal proceedings are concluded. They have not been provided with any timescale by the local authority and confirmed that they did not see any need for an extension of the timeframe for eviction or further delay, given the Applicant's situation. They have no children and cannot afford another private let as they have become too expensive to afford. Their current rent is £550 per month.
6. Ms McAllister confirmed that the Property is a two-bedroom top floor flat. The Applicant's situation and need to sell the Property was further explained. Mr Moir was asked for further clarification regarding this, as the Tribunal had noted that the title deeds to the Property appear to be held in his name, as an individual, rather than in the name of his company. He was sure the Property was held in the name of the company but would need to double-check the position with his solicitor. In any event, Mr Moir confirmed that he has retired and, given his medical condition, wished to simplify his affairs for his family, sell the Property and close his company. He previously had other let property but this Property is his only remaining one.
7. The Tribunal Members considered the application and thereafter confirmed that the eviction order sought would be granted, with no extension to the usual timescale for eviction. The Legal Member indicated that the decision paperwork would be issued in writing within the next few days. Ms Tippet provided her email address to the Tribunal to speed the process up and in order that a copy

of the documentation could be provided to the local authority as soon as possible. Parties were thanked for their attendance and the CMD was concluded.

Findings in Fact

1. The Applicant is the owner and landlord of the Property.
2. The Respondents are the joint tenants of the Property by virtue of a Short Assured Tenancy which commenced on 7 August 2015.
3. The Applicant ended the contractual tenancy by serving on the Respondents a Notice to Quit and Section 33 Notice, both dated and posted on 10 September 2025 and delivered/signed for on 11 September 2025.
4. The end of the contractual tenancy and notice period in terms of the notices was specified as 6 December 2025, which was an ish date in terms of the tenancy.
5. Both notices were in the correct form, provided sufficient notice and were served validly on the Respondents.
6. The Respondents have remained in possession of the Property following expiry of the notice period.
7. The Applicant intends to sell the Property due to his health, personal and business circumstances.
8. The Respondents did not oppose the application or seek any extension on the usual timeframe for eviction.
9. The Respondents wish to move into social housing and have already made application to the local authority, who are aware of their circumstances.

Reasons for Decision

1. The Tribunal was satisfied that pre-action requirements including the service of the Notice to Quit and Section 33 Notice in terms of the 1988 Act had been properly and timeously carried out by the Applicant in connection with this Tribunal application.
2. Section 33(1) of the Act states that an order for possession shall be granted by the Tribunal if satisfied that the short assured tenancy has reached its finish; that tacit relocation is not operating; that the landlord has given to the tenant notice stating that he requires possession of the house; and that it is reasonable to make an order for possession. The Tribunal was satisfied that all requirements of Section 33(1) had been met.

3. As to reasonableness, the Tribunal considered the reasons stated for the Applicant's wish to recover the Property and sell it, primarily due to the Applicant's personal circumstances and health issues but also to simplify his affairs for his family to deal with in due course. The Tribunal also took into account the circumstances of the Respondent, that they wished to secure social housing and had already made application to the local authority in that regard. The Tribunal noted that the Respondents did not wish to oppose the eviction application, nor delay the eviction any longer, given the circumstances of the Applicant.
4. The Tribunal accordingly determined that it was reasonable, in these circumstances, for an order for recovery of possession of the Property to be granted at the CMD. There was nothing in dispute and therefore no requirement to adjourn to an Evidential Hearing or to extend the usual timeframe for the eviction order being enforceable. The earliest date for eviction will accordingly be stated in the Order as **4 September 2026**.
5. The Tribunal's decision was unanimous.

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.

N Weir

Legal Member/Chair

4 August 2026
Date