

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/26/0233

Re: Property at 156 Brassey Street, Glasgow, G20 9HL (“the Property”)

Parties:

Mrs June Matthews, 18 Park Drive, Rutherglen, Glasgow, G73 2QF (“the Applicant”) and

Mitchells Robertson, Solicitors, George House, 36 North Hanover Street, Glasgow, G1 2AD (“the Applicant’s Representative”) and

Ms Michelle McHugh, 156 Brassey Street, Glasgow, G20 9HL (“the Respondent”)

Tribunal Members:

**G McWilliams- Legal Member
A Moore- 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 11th August 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 Mrs Matthews’ 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 McHugh, on 8th July 2026.
4. A Case Management Discussion (“CMD”) proceeded remotely by telephone conference call at 2pm on 11th August 2026. Mrs Matthews’ Representative’s Ms C Hussey and Ms McHugh attended.
5. Ms Hussey referred to the Application papers and stated that Mrs Matthews wishes to recover possession of the Property in order to sell it. She said that Mrs Matthews is 69 years of age, wishes to retire and no longer wants to be a landlord. Ms Hussey acknowledged that Ms McHugh has been a good tenant for a long period of time and that these proceedings have been very difficult for her and her family. Ms Hussey acknowledged that it would be fair for the Tribunal to consider proceeding to grant an eviction order with a deferred enforcement date.
6. Ms McHugh stated that she and her teenage daughter have resided in the Property for over 15 years and that her rent payments are up to date. She said that her daughter is about to start her 5th year at secondary school. Ms McHugh stated that she is a carer for her younger, adult sister who has Downs Syndrome and suffers from epilepsy and widespread arthritis. She said that she has applied to Glasgow City Council for social housing which will best suit her family’s needs. Ms McHugh stated that she understands why Mrs Matthews wants to recover and sell the Property. She said that she would like to be given sufficient time to obtain another, suitable tenancy.

Findings in Fact and Law and 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 end;
- (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 documentary evidence and the oral submissions of Ms Hussey and Ms McHugh. The Tribunal found in fact that all of the documentation regarding termination of the parties’ tenancy agreement had been validly served on Ms McHugh, who has resided in the Property for over 15 years. They found that Ms McHugh, to her great credit, cares for her teenage daughter and her disabled sister. The Tribunal found that Ms McHugh accepts that it is reasonable for Mrs Matthews to recover and sell the Property and to retire. They further found that Ms McHugh, also to

her credit, wishes to ensure as best she can that new accommodation will best suit her family's needs, in particular those of her sister.

9. 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 2nd November 2026. In reaching the latter decision the Tribunal placed reliance on Ms McHugh's family's needs and their lengthy period of residence in the Property, with rent payments being up to date, as well as the Tribunal's knowledge that it may take some time for her to obtain another, suitable tenancy. The Tribunal consider that it is fair to allow them an extended period to do so.

Decision

10. The Tribunal granted an order for Mrs June Matthews' recovery of possession of the Property at 156 Brassey Street, Glasgow, G20 9HL as sought in the Application, with a deferred enforcement date of 2nd November 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
Legal Member**

Date: 11th August 2026