

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

Chamber Ref: FTS/HPC/EV/26/0828

Re: Property at 106 Torbrex Road, North Carbrain, Cumbernauld, G67 2JS (“the Property”)

Parties:

Chris Charters Property, Darroch Cottage, Luss, Alexandria, G83 8NX (“the Applicant”)

Ms Caroline Blevins, 106 Torbrex Road, North Carbrain, Cumbernauld, G67 2JS (“the Respondent”)

Tribunal Members:

Robert MacDonald (Legal Member) and Sandra Brydon (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the statutory process had been carried out correctly and that it was reasonable to grant the Order sought.

Background

1. The Applicant applied to the Tribunal under S33 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 Rules”) on 18th February 2026.
2. Attached to the application were-
 - i. A copy Notice to Quit;
 - ii. A copy Notice in terms of section 33 of the Housing (Scotland) Act 1988;
 - iii. Proof of service of the Notices on the Respondent;

- iv. A copy Short Assured Tenancy Agreement between the parties;
 - v. A copy form AT5;
 - vi. A copy Notice in terms of s11 of the Homelessness etc (Scotland) Act 2003;
 - vii. Evidence that the s11 notice had been intimated to North Lanarkshire Council.
3. The application was accepted by the Tribunal on 23rd April 2026 and a Case Management Discussion (the “CMD”) took place on 14th September 2026. At the CMD the parties were personally present. No submission had been lodged by the Respondent in advance of the CMD.
 4. The Tribunal asked the Applicant for his submission. He referred the Tribunal to the application and the documents submitted. He explained to the tribunal that he had received a cancer diagnosis. He had been receiving treatment for the last two years and had further treatment to come. As a result of this change in his personal circumstances, he had been taking steps to put his affairs in order. He had a number of rental properties. He had recovered possession of two other properties. He wanted to recover possession of this property to sell it, to avoid his wife having to deal with tidying up his affairs in the event of his death. This property was burdened with a mortgage. He had encountered no problems with the Respondent during the tenancy. He accepted that she had been there since 2012. He was only seeking to recover possession because of his ill health.
 5. The Respondent told the Tribunal she lived in the property with two sons aged twenty one and thirteen, and the family dog. Her and one of her children suffered from anxiety and depression. They had been in contact with the local authority regarding being rehoused. She understood she was a priority for re housing. She understood the basis on which the application was being made, and she did not oppose it.
 6. The Tribunal adjourned for a brief period to consider the paperwork and the submissions made. The Tribunal concluded that the facts in this case were sufficiently clear and that as it was not necessary to hear evidence in the case the Tribunal could make a decision at the CMD. Having considered matters the tribunal reconvened the hearing and issued a decision.

Findings in fact and law

7. The Applicant is the owner of the property in terms of land certificate DMB45088.
8. The Applicant is the landlord, and the Respondent is the tenant in terms of a Short Assured Tenancy agreement entered into between the parties on 20th January 2012.
9. The correct statutory procedures in terms of the 1988 Act have been followed to terminate the Short Assured Tenancy agreement.
10. The Applicant wishes to put his affairs in order as a result of an incurable cancer diagnosis.
11. The Respondent resides in the property with children one of whom is an adult.
12. The Respondent has applied to North Lanarkshire Council for rehousing.
13. The Respondent does not oppose the application.
14. Having regards to the facts relevant to reasonableness the Tribunal considered that it was reasonable for an order for eviction to be granted.

Reasons for Decision

15. The Tribunal was satisfied having considered all the documentary evidence and the submissions from the parties at the CMD that it had 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 Applicant and the Respondent.
16. The Tribunal was satisfied that the Applicant had complied with the statutory requirements in relation to service of a notice to quit and s33 notice on the Respondent.
17. The Tribunal considered whether it was reasonable to make an Eviction Order on account of the information available to it which required the Tribunal to identify the factors relevant to reasonableness and determine how much weight should be applied to them. The Tribunal attached considerable weight to the fact that the Applicant was unwell and wished to put his affairs in order, and also to the fact that the Respondent did not oppose the order sought.
18. Having considered the factors relevant to reasonableness, the Tribunal concluded that it was reasonable for an order for eviction to be granted.
19. The decision of the Tribunal was unanimous.

Decision

20. The Tribunal grants an order for possession of the property.

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

Legal Member/Chair

14.09.2026

Date