



**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**

**Chamber Ref: FTS/HPC/EV/24/1833**

**Re: Property at 2-1 30 Westerhouse Road, Glasgow, G34 9PD (“the Property”)**

**Parties:**

**Mr Douglas Wilkie, 3 Glen Luss Place, Glasgow, G53 7GT (“the Applicant”)**

**Miss Julie Ann Marley and Mr Geoff Twomey, both 2-1 30 Westerhouse Road,  
Glasgow, G34 9PD (“the Respondents”)**

**Tribunal Members:**

**George Clark (Legal Member) and Elizabeth Dickson (Ordinary Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application should be decided without a Hearing and made an Order for Possession of the Property.**

**Background**

1. By application, dated 23 April 2024, the Applicant sought an Order for Possession of the Property under Section 33 of the Housing (Scotland) Act 1988 (“the 1988 Act”), namely recovery of possession on termination of a Short Assured Tenancy.
2. The application was accompanied by a copy of a Short Assured Tenancy Agreement between the Respondents and the Applicant and Mr Bruce Ross-Hamilton, commencing on 2 June 2014, with the appropriate Notice given under Section 32 of the 1988 Act, a copy Death Certificate of Mr Ross-Hamilton on 29 May 2025, and copies of a Notice under Section 33 of the 1988 Act and a Notice to Quit, both dated 10 October 2023, and both requiring the Respondent to vacate the Property by 21 December 2023. The Tenancy Agreement was for a period of six months and, unless terminated at the end of that period, continued on a two-monthly basis until terminated by either Party giving no less than two months’ notice to the other in writing.

3. On 11 November 2024, the Tribunal advised the Parties of the date and time of a Case Management Discussion, and the Respondent was invited to make written representations by 2 December 2024. The Respondent did not make any written representations to the Tribunal.
4. On 9 December 2024, the Applicant's representatives provided the Tribunal with an email from him stating that he wishes to sell the Property as he is experiencing financial hardship. He intends to clear some debts that he has accrued. He is not in a financial position to maintain the Property for any future repairs that may arise. This, and the new legal changes and associated costs have now made the Property a financial burden on him. In addition, the Respondents have not been taking best care of the Property, which he feels has devalued it. The representatives also provide the Tribunal with a copy of a letter of engagement of 9 November 2024 instructing them to sell the Property as soon as possible.

### **Case Management Discussion**

5. A Case Management Discussion was held by means of a telephone conference call on the morning of 19 December 2024. The Applicant was represented by Mrs Anne Johnston of Northwest (Central) Ltd, Falkirk. The Respondents were both present.
6. Mrs Johnston told the Tribunal that the Applicant is in work and does not own any other rental properties. She confirmed that the Respondents have always paid their rent on time. The rent had remained unchanged for 10 years, but a rent increase notice had recently been intimated to the Respondents. She did not have specific details regarding the Applicant's financial position.
7. The Respondents told the Tribunal that they did not have anyone else living in the Property with them and that it is a two-bedroom flat. They had always paid their rent on time and did not see why they should become homeless just because the Applicant could not manage his finances. Mr Twomey works in Stepps and Miss Marley works in Glasgow city centre.

### **Reasons for Decision**

8. Rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 provides that the Tribunal may do anything at a Case Management Discussion which it may do at a Hearing, including making a Decision. The Tribunal was satisfied that it had before it all the information and documentation it required to enable it to decide the application without a Hearing.
9. Section 33 of the 1988 Act states that the Tribunal may make an Order for Possession of a house let on a Short Assured Tenancy if it is satisfied that the Short Assured Tenancy has reached its end, that tacit relocation is not operating, that no further contractual tenancy is for the time being in existence, that the landlord has given to the tenant notice stating that he

requires possession of the house, and that it is reasonable to make the Order for Possession.

10. The Tribunal was satisfied that the tenancy had reached its end, that, by service of the Notice to Quit, tacit relocation was not operating, that there was no further contractual tenancy in existence between the Parties and that the Notice required under Section 33 of the 1988 Act had been properly given. The remaining matter for the Tribunal to consider was, therefore, whether it would be reasonable to issue an Order for Possession.
11. In arriving at its decision as to whether it would be reasonable to make an Order for Possession, the Tribunal considered carefully all the evidence before it and noted in particular that the Applicant had stated that he was experiencing financial hardship, and that the Property had become a financial burden on him. The Tribunal also noted that his income from the Property had not increased in 10 years. This was a matter of contract between the Parties and the Applicant had chosen not to increase the rent during that period, but the Tribunal accepted that his costs as a landlord will have increased, including insurance premiums and the cost of meeting statutory requirements relating to fire safety and to landlord registration but, particularly, the costs of carrying out any repairs or maintenance to the Property. The Tribunal also noted that the Respondents do not have any dependent relatives living with them. The Tribunal accepted that no specific details of the Applicant's financial position had been provided but decided, on balance, that it would be reasonable to make an Order for Possession of the Property.
12. The Respondents had indicated to the Tribunal that, were an Order for Possession to be made, it would be very helpful to them to have its enforceability delayed until the end of February, given the intervention of the Christmas holiday period. The Applicant's representative had confirmed that this would be acceptable to the Applicant. Accordingly, the Tribunal decided that the Order should not be enforceable until 28 February 2025.

## **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.**

**George Clark**

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Legal Member/Chair

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19 December 2024  
Date