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

Chamber Ref: FTS/HPC/EV/26/0350

Re: Property at 60 Springfield Sqaure, Bishopbriggs, G64 1PX ("the Property")

Parties:

Mrs Dawn Eldridge and Mr Philip Eldridge, 58 Melville Gardens, Bishopbriggs, Glasgow, G64 3DD ("the Applicants")

Mr Bahir Zablok, 60 Springfield Square, Bishopbriggs, G64 1PX ("the Respondent")

Tribunal Members:

Shirley Evans (Legal Member) and Elaine Munroe (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that an order against the Respondent for possession of the Property at 60 Springfield Sqaure, Bishopbriggs, G64 1PX under Section 33 of the Housing (Scotland) Act 1988 be granted. The order will be issued to the Applicants after the expiry of 30 days mentioned below in the right of appeal section unless an application for recall, review or permission to appeal is lodged with the Tribunal by the Respondent. The order will include a power to Officers of Court to eject the Respondent and family, servants, dependants, employees and others together with their goods, gear and whole belongings furth and from the Property and to make the same void and redd that the Applicants or others in their name may enter thereon and peaceably possess and enjoy the same.

Background

1. This is an action for recovery of possession of the Property raised in terms of Rule 66 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 ("the Regulations").

2. The application was accompanied by a copy of a short assured tenancy agreement commencing 20 May 2015 between the Applicants and the Respondent, an AT5 dated 15 May 2015, a Notice to Quit and Section 33 Notice dated 10 October 2025, a recorded delivery proof of delivery dated 11 October 2025, an email and letter from Mike Smith Properties dated 12 October 2025 and a Notice under Section 11 of the Homelessness etc (Scotland) Act 2003 to East Dunbartonshire Council dated 22 January 2026.

3. On 30 March 2026, the Tribunal accepted the application under Rule 9 of the Regulations.

4. A Case Management Discussion ("CMD") under Rule 17 of the Regulations was assigned to proceed on 10 September 2026. This CMD was postponed on the Applicants' motion. A new CMD was assigned to proceed on 23 October 2026.

Case Management Discussion

5. The Tribunal proceeded with the CMD on 23 October 2026 by way of teleconference. The Applicants both appeared with Mr Elridge electing to speak on behalf of him and his wife. There was no appearance by or on behalf of the Respondent.

6. The Tribunal had before it the short assured tenancy agreement commencing 20 May 2015 between the Applicants and the Respondent, the AT5 dated 15 May 2015, the Notice to Quit and Section 33 Notice dated 10 October 2025, the recorded delivery proof of delivery dated 11 October 2025, the email and letter from Mike Smith Properties dated 12 October 2025 and the Notice under Section 11 of the Homelessness etc (Scotland) Act 2003 to East Dunbartonshire Council dated 22 January 2026. The Tribunal considered the terms of these documents.

7. The Tribunal explained it had had an opportunity of considering the Application and was satisfied that the necessary legal requirements had been met. The Tribunal invited Mr Elridge to address them.

8. Mr Elridge advised that they were seeking an Order to evict. The Applicants were in the process of winding down to retirement which included selling four properties they owned He explained they had used Mike Smith properties to sell properties before and were waiting to formally instruct them to sell the Property, assuming the Tribunal granted the Order to evict.

9. Mr Elridge went onto explain that the Respondent was an elderly gentleman in his 70s. He did not keep well and had been in hospital over the last 12 months. He had been treated for a number of issues and was under the care of consultants. The Respondent lives alone. His son lives in England. Mr Elridge explained they had a vey good relationship with the Respondent and often helped him out, e.g. by cutting the grass. They last saw him a few weeks ago and were aware that he knew about the CMD, although they were uncertain whether he would appear. They were aware that the Respondent had approached East Dunbartonshire Council for rehousing but had not been allocated a house. He was also aware that the Respondent had looked at other private lets on the street. However, he understood that the Respondent was hoping to be rehoused by the Council.

Reasons for Decision

10. The Tribunal considered the issues set out in the application together with the documents lodged in support. Further the Tribunal considered the oral submissions made by Mr Elridge at the CMD. The Tribunal concluded that the Applicants were entitled to seek repossession of the Property under Section 33 of the Housing (Scotland) Act 1988. There was a properly constituted Short Assured Tenancy with the Respondent. The Tribunal was satisfied that the statutory provisions of Section 33 of the Housing (Scotland) Act 1988 had been met namely that the Short Assured Tenancy had reached its ish (termination date); the Notice to Quit brought the contractual Short Assured Tenancy to an end, and that the Applicants had given the Respondent notice in terms of Section 33(1)(d) of the Housing (Scotland) Act 1988 stating that possession of the Property was required by 19 January 2026.

11. The terms of Section 33 of the Housing (Scotland) Act 1988 would normally entitle the Applicants to a right of mandatory repossession of the Property. In terms of Schedule 1, paragraph 3 (4) of the Coronavirus (Scotland) Act 2020 the Applicants also have to satisfy the Tribunal that it is reasonable to evict. In determining whether it is reasonable to grant the order the Tribunal is required to weigh the various factors which apply and to consider the whole of the relevant circumstances of the case. In this case the Tribunal gave weight to the Respondent's age and the fact he was in poor health. The Tribunal also considered the fact the Respondent did not oppose the Application and that he had been linked up to the local Council. The Tribunal gave some weight to the fact that the Applicants were planning for their retirement and wanted to sell the Property which they were entitled to do. The balance of reasonableness in this case

weighted towards the Applicants. The Tribunal find it would be reasonable to grant the order.

12. In the circumstances the Tribunal considered that in terms of Section 33 of the Housing (Scotland) Act 1988 as amended it was reasonable to grant an eviction order.

Decision

13. The Tribunal granted an order for repossession, superceded by three months. The decision of the Tribunal 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.

Shirley Evans

25 October 2026

Legal Member **Date**