



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/EV/25/4277

Re: Property at 53 Teviot Grove, Penicuik, Midlothian, EH26 8HQ (“the Property”)

Parties:

Mr Douglas Robertson, 51 Deanburn, Penicuik, Midlothian, EH26 0HX (“the Applicant”)

Ms Emma Duncan, 53 Teviot Grove, Penicuik, Midlothian, EH26 8HQ (“the Respondent”)

Tribunal Members:

Nicola Irvine (Legal Member) and Tony Cain (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant is entitled to the Order sought for recovery of possession of the property. The Tribunal ordered a delay in the execution of an eviction order until 23 July 2026, in terms of Rule 16A (d) of the First Tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017.

Background

1. The Applicant submitted an application under Rule 109 of the Housing & Property Chamber Procedure Regulations 2017 (“the Rules”) for an order to evict the Respondent from the property.
2. A Convenor of the Housing and Property Chamber (“HPC”) having delegated power for the purpose, referred the application under Rule 9 of the Rules to a case management discussion (“CMD”).

3. Letters were issued on 28 February 2026 informing both parties that a CMD had been assigned for 23 April 2026 at 10am, which was to take place by conference call. In that letter, the parties were also told that they were required to take part in the discussion and were informed that the Tribunal could make a decision on the application at the CMD if the Tribunal has sufficient information and considers the procedure to have been fair. The Respondent was invited to make written representations by 21 March 2026. No written representations were received.

The case management discussion – 23 April 2026

4. The CMD took place by conference call. The Applicant was represented by Mr Steven Murray. The Respondent joined the call and represented herself. The Tribunal explained the purpose of the CMD.
5. The Respondent explained that she lives in the Property with her three children aged 10, 8 and 7. The Respondent is not opposed to the application for an eviction order, but she does not have alternative accommodation to go to. She has been in contact with the local authority and has been told that nothing can be done to identify suitable accommodation for her and her family unless and until an order is granted.
6. The Applicant's representative explained that the Applicant owns two rental properties including this one and he intends to sell both properties and cease activity as a landlord.
7. The Tribunal adjourned the CMD to enable the members to discuss matters in light of the information provided. When the CMD was reconvened, the Tribunal explained that it found the ground for eviction established and found that it is reasonable to grant an order for eviction. The parties were advised that the Tribunal would order a delay in the execution of an eviction by a period of 3 months.

Findings in Fact

8. The Applicant is the owner and landlord of the Property at 53 Teviot Grove, Penicuik, Midlothian, EH26 8HQ.
9. The Respondent is the tenant of the Property.
10. The tenancy in question is a private residential tenancy which commenced on 11 May 2020.
11. The Applicant served Notice to Leave on the Respondent by email on 16 June 2025.

12. The Applicant intends to sell the Let Property.

Reason for Decision

13. The Tribunal was satisfied that it could make relevant findings in fact in order to reach a decision following the CMD, and that to do so would not be contrary to the interests of the parties in this case.

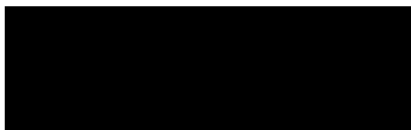
14. The Tribunal proceeded on the basis of the documents lodged and the information provided at the CMD. The Applicant intends to sell the Property and one other property so that he can cease activity as a landlord. The Respondent did not oppose the application although she does not have alternative accommodation.

15. On the basis of the documentary evidence and the submissions made at the CMD, the Tribunal determined that the ground of eviction is established. In light of the information provided by both parties, the Tribunal decided that it was reasonable to grant an order evicting the Respondent from the Property.

16. The Respondent has not yet secured alternative accommodation. She has been in contact with the local authority but has not been offered alternative accommodation. The Tribunal exercised its discretion in terms of Rule 16A (d) of the Rules and ordered a delay in execution of the eviction order by a period of 3 months. The Tribunal would expect the local authority to treat the Respondent as homeless from the date of this decision in order to identify suitable accommodation for the Respondent and her family.

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.



Legal Member/Chair

23 April 2026

Date