

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/26/0205

Re: Property at 11/5, Magdalene Gardens, Edinburgh, EH15 3DG (“the Property”)

Parties:

Mr David Arnott and Mrs Catriona Arnott, residing at 3 McCracken Court, California, Falkirk, FK1 2AD (“the Applicants”) and

Rent Locally, Unit 1/109 Swanston Road, Edinburgh, EH10 7DS (“the Applicants’ Representative”) and

Mr Pawel Piwowarczyk and Mrs Joanna Piwowarczyk, residing at 11/5, Magdalene Gardens, Edinburgh, EH15 3DG (“the Respondents”)

Tribunal Members:

G McWilliams- Legal Member

G Darroch - 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 20th 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 Applicants Mr David Arnott and Mrs Catriona Arnotts’ 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 effectively served copies of the Application papers, Guidance Notes and notification of the CMD on the Respondents.
4. A Case Management Discussion ("CMD") proceeded remotely by telephone conference call at 10.00am on 20th August 2026. The Applicant's Representative's Mr S Murray and Ms J. Richardson as well as the Second Respondent Mrs J Piwowarczyk attended.
5. Mr Murray referred to the Application papers and stated that the Applicants no longer wish to be landlords and want to refurbish and sell the Property. He asked the Tribunal to grant an eviction order. Having heard Mrs Piwowarczyk's statements, referred to in paragraph 6 below, Mr Murray said that the Applicants would be agreeable to an eviction order being granted with a deferred enforcement date of 23rd November 2026.
6. Mrs Piwowarczyk stated that she and her husband, the First Respondent, are actively seeking to buy a home to move into with their children. She said that they are also considering renting another property but their preference is to purchase a house. Mrs Piwowarczyk stated that she and Mr Piwowarczyk wanted to be given some further time to buy or rent a home. Having discussed matters candidly with the Tribunal, and Mr Murray, Mrs Piwowarczyk said that she would be agreeable to an eviction order being granted with a deferred enforcement date of 23rd November 2026.

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.

7. The Tribunal considered all of the available evidence and the submissions of Mr Murray and Mrs Piwowarczyk. The Tribunal found in fact that all of the documentation regarding termination of the parties' tenancy agreement had been validly served on the Respondents. They found that the Respondents are actively seeking to move out of the Property. The Tribunal further found in fact that the Applicants and the Respondents wish an eviction order to be granted with a deferred enforcement date of 23rd November 2026.

8. Having made such findings in fact the Tribunal found in law that the parties' tenancy agreement had been lawfully brought to an end in terms of the relevant legislation and that it was reasonable to grant an eviction order. The Tribunal also decided that it was reasonable to grant the eviction order with a deferred enforcement date of 23rd November 2026 as this was agreed by all.

Outcome

9. The Tribunal therefore granted an order for possession of the Property as sought in the Application, with a deferred enforcement date of 23rd 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

Tribunal Legal Member

20th August 2026

Date