



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/24/2918

Re: Property at 1 Station Cottage, Humble, East Lothian, EH36 5PE (“the Property”)

Parties:

Mrs Sandra Robson, Mr William Clark, 1 Townhead Cottage, Gifford, East Lothian, EH41 4PG (“the Applicants”)

Ms Chelsea Gaalen Robson, 1 Station Cottage, Humble, East Lothian, EH36 5PE (“the Respondent”)

Tribunal Members:

Richard Mill (Legal Member) and Eileen Shand (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for eviction be granted against the respondents

Introduction

1. This application is under rule 66 and section 33 of the Housing (Scotland) Act 1988. The application seeks an eviction order.
2. Intimation of the application and of the Case Management Discussion (‘CMD’) was effected upon the respondent by Sheriff officers.
3. The CMD took place by teleconference on 6 March 2025 at 10.00 am. The applicants were represented by Miss Kirstie Donnelly of TC Young Solicitors. The respondent joined the hearing personally and represented her own interests.

Findings and Reasons

4. The property is 1 Station Cottage, Humble, East Lothian EH36 5PE. The applicants are Mrs Sandra Robson and Mr William Clark. They are the heritable proprietors and landlords of the property. The respondent is Ms Chelsea Gaalen Robson who is the daughter of the applicants and tenant of the property.
5. The parties entered into a short assured tenancy which first commenced on 15 May 2010 for an initial period of 2 years to 14 May 2012. An AT5 Notice under section 32 of the 1988 Act was served on the respondent prior to the creation of the tenancy.
6. On 5 February 2024 the applicant served upon the respondent a Notice to Quit. In the terms of the said Notice to Quit, the applicant gave notice to the respondent that she would require to remove from the property on or before 14 May 2024. Further, on 5 February 2024 the applicants served upon the respondent Notice under Section 33(1)(d) of the Housing (Scotland) Act 1988 stating that possession was required of the property as at 14 May 2024. There is evidence from the Royal Mail system that these documentary items were delivered to the respondent on 6 February 2024.
7. The short assured tenancy between the parties has reached its end. Tacit relocation is not operating. No further contractual tenancy is in existence. The applicants have complied with the terms of Section 33(1)(d) of the Housing (Scotland) Act 1988.
8. The tribunal also requires to consider the reasonableness of the eviction order being granted.
9. The applicants seek to evict the respondent on the ground that they intend to live in the let property. They currently reside in a property in Haddington which is a tied cottage to Mr Clark's employment. He is retiring from his job in 2025, preferably in April but certainly by late May, and requires to vacate his current home. He purchased the let property from the Council in 2009 with the intention to reside there upon retirement. Mr Clark's mother had resided in the property previously.
10. The respondent is not opposed to the eviction application. The respondent lives with her partner and two daughters aged 11 and 8 years who attend a primary school 5 miles away. One of her children has had cancer in the recent past and relies upon her usual routines and familiar environment. Both the respondent and her partner work. The respondent works at the Royal Infirmary of Edinburgh and her partner is self-employed.
11. A section 11 Notice under the Homelessness etc (Scotland) Act 2003 has been issued to East Lothian Council. In the event of an eviction order being made the local authority is under a statutory duty to make suitable alternative accommodation available. The making of an eviction order will assist in her

obtaining local authority housing. The respondent has explored numerous other housing options including applying for mortgages and registering with housing associations. She has also sought advice from the CAB.

12. The tribunal concluded that it was reasonable to grant the eviction order. Taking account of the personal circumstances of the respondent and her family that the period for implementation be extended to Friday 30 May 2025. This is fair and proportionate.

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.

6 March 2025

Legal Member/Chair

Date