

**Housing and Property Chamber**  
First-tier Tribunal for Scotland

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**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/24/2787**

**Re: Property at School House, School Road, Holywood, Dumfries, DG2 0RF (“the Property”)**

**Parties:**

**Mr David Flannagan, Top Flat (Level 3), 11 Buckingham Street, Glasgow, G12 8DL (“the Applicant”)**

**Ms Isabel Landsberg, Ms Bee Walker, School House, School Road, Holywood, Dumfries, DG2 0RF (“the Respondent”)**

**Tribunal Members:**

**Richard Mill (Legal Member) and Gerard Darroch (Ordinary Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an eviction order be granted against the respondents subject to delayed implementation until 22 August 2025**

**Introduction**

1. This eviction application is under rule 66 and section 33 of the Housing (Scotland) Act 1988.
2. The hearing took place by teleconference at 10am on 26 June 2025. The applicant was present and was represented by Mr Peter Will of GM Thomson & Co. The respondents joined the hearing personally and represented their own interests. The application was not opposed. The respondents have secured alternative accommodation and are in the process of vacating the let property.

## Findings and Reasons

3. The property is School House, School Road, Holywood, Dumfries DG2 0RF. The applicant is Mr David Flannigan who is the heritable proprietor and registered landlord of the property. The respondents are Ms Isabel Landsberg and Ms Bee Walker who are the tenants.
4. The parties entered into a short assured tenancy which commenced on 17 June 2017 for an initial period of 6 months and which continued on a month to month basis thereafter. On 19 March 2024 the applicant served upon the respondents a notice to quit and notice under section 33(1)(d) of the Housing (Scotland) Act 1988. The respondents were required to remove from the property on or before 18 June 2024. The short assured tenancy between the parties has reached its end. Tacit relocation is not operating. No further contractual tenancy is in existence. The applicant has complied with the terms of Section 33 of the Housing (Scotland) Act 1988.
5. The legal basis for the eviction is unchallenged and is established. The tribunal considered the reasonableness of the eviction order being granted.
6. The applicant seeks to evict the respondents on the grounds that he intends to sell the property. He now lives in Australia. The property remains subject to a mortgage. The costs associated with letting the property exceed the rental income. The applicant has no wish to remain a landlord in such circumstances.
7. The respondents are not opposed to the eviction application. A section 11 notice under the Homelessness etc (Scotland) Act 2003 was issued to Dumfries & Galloway Council. Suitable alternative accommodation has already been allocated to the respondents. They have the keys to the property already.
8. The applicants have lived in the property for 10 years with the original lease operating commencing in November 2014. The applicants have fulfilled their tenancy obligations throughout including making all payments of rent. The family home consists of the two respondents and their two children who are aged 13 and 11 years. Both children have additional support needs. Given their family circumstances they require more than the standard 30 day period to enable them to complete their move. The applicant agreed to delay implementation of the eviction decree, if so required. The period was extended to 8 full weeks.

## **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.**

# R Mill

26 June 2025

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**Legal Member/Chair**

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**Date**