

# 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 16 of the Housing (Scotland) Act 2014 and Section 18 of the Housing (Scotland) Act 1988.**

**Chamber Ref: FTS/HPC/EV/24/4583**

**Re: Property at 22 Denholm Grove, Armadale, EH48 3QT (“the Property”)**

**Parties:**

**Mr Richard Jolliffe, 1 Gogarloch Skye, Edinburgh, EH12 9JD (“the Applicant”)  
and**

**Lothian Homes, Unit C/2, Linbar House, 48 North Bridge Street, Bathgate, West Lothian, EH48 4PP (“the Applicant’s Representative”) and**

**Mr Edward Walker, 22 Denholm Grove, Armadale, EH48 3QT (“the Respondent”)**

**Tribunal Members:**

**G McWilliams- Legal Member**

**H Barclay- 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 14<sup>th</sup> August 2025**

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 Applicant, Mr Jolliffe, through his Representative, Lothian Homes, 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 Respondent, Mr Walker, on 1<sup>st</sup> July 2025.
4. A Case Management Discussion (“CMD”) proceeded remotely by telephone conference call at 10.00am on 14<sup>th</sup> August 2025. The Applicant’s Representative’s Ms S Fraser and Mr Walker attended.
5. Ms Fraser referred to the Application and stated that Mr Jolliffe wishes to sell the Property. She stated that she understands that Mr Walker has applied to the local authority, West Lothian Council, for a tenancy. Ms Fraser stated that Mr Walker has been an excellent tenant since the parties tenancy agreement commenced in April 2013 and that his rent, paid through Universal Credit Housing Allowance, is up to date. She asked that an eviction order be granted and stated that Mr Jolliffe would have no objection to the enforcement date in respect of that order being deferred to allow a suitable period of time for Mr Walker to obtain an alternative tenancy through the local authority.
6. Mr Walker confirmed that he has applied to West Lothian Council for a tenancy and has been told that his application will be given priority when an eviction order has been granted. Mr Walker said that, in the circumstances, he has no objection to the grant of an eviction order. He said that he suffers from COPD and diabetes, along with some minor health conditions, and wishes to move to a local authority tenancy as soon as possible.

## **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.

8. The Tribunal considered all of the available evidence and the submissions of Ms Fraser and Mr Walker. The Tribunal found in fact that all of the documentation regarding termination of the parties’ tenancy agreement had been validly served on Mr Walker. They found that Mr Walker is actively seeking to move out of the Property. The Tribunal further found in fact that both Mr Jolliffe and Mr Walker wish an eviction order to be granted. Having made such findings in fact the Tribunal found in law that the parties’ tenancy agreement has been lawfully brought to an end in terms of the relevant legislation and that it is reasonable to grant an eviction order. The Tribunal

also decided that it is reasonable to grant an eviction order with a deferred enforcement date of 6<sup>th</sup> November 2025. In reaching the latter decision the Tribunal placed reliance on Mr Walker's history of being a good tenant, with his rent being paid timeously, and the Tribunal's knowledge that local authorities are very busy dealing with applications for social housing. They also relied on Ms Fraser's statement that Mr Jolliffe is agreeable to a deferred enforcement date being fixed.

### **Decision**

9. The Tribunal granted an order for possession of the Property as sought in the Application, with a deferred enforcement date of 6<sup>th</sup> November 2025.

### **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**

**14<sup>th</sup> August 2025**

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**Legal Member**

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**Date**