



**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/25/0042

**Property: 35/5 Stenhouse Avenue West, Edinburgh, Midlothian EH11 3EY
("Property")**

Parties:

**Tracy Thornton, 52 Moodie Wynd, Prestonpans EH32 9FU and Craig Charles
Robertson, 42 Craiglockhart Crescent, Edinburgh EH14 1EY ("Applicant")**

**Landlord Specialist Services Scotland, 5 South Charlot Street, Edinburgh EH2
4AN ("Applicant's Representative")**

**Sarah Brain and Adam Parry, 35/5 Stenhouse Avenue West, Edinburgh,
Midlothian EH11 3EY ("Respondent")**

Tribunal Members:

Joan Devine (Legal Member)

Sandra Brydon (Ordinary Member)

Decision

**The First-tier Tribunal for Scotland (Housing and Property Chamber)
("Tribunal") determined that an order for possession of the Property should be
made.**

Background

The Applicant sought recovery of possession of the Property. The Applicant had lodged Form E. The documents produced were: Short Assured Tenancy Agreement which commenced on 1 April 2016 and AT5; Notice to Quit and Notice in terms of section 33 of the Housing (Scotland) Act 1988 ("1988 Act") both dated 17 October 2024 and both addressed to the Respondent; sheriff officer certificate of service evidencing service of the Notice to Quit and Section 33 Notice on the Respondent on 5 November 2024; notification to the Local Authority in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003 with covering email and sheriff officer execution of service confirming service of the application on the Respondent on 6 June 2025.

Case Management Discussion (“CMD”)

A CMD took place before the Tribunal by conference call on 30 July 2025. Jeffrey Livingstone of the Applicant’s Representative was in attendance. There was no appearance by or on behalf of the Respondent.

Mr Livingstone told the Tribunal that the Applicant intends to sell the Property. He said they had marketed the Property with the Respondent in place as tenant but without success. He said that the Applicant bought the Property as a joint investment but their investment relationship is now at an end. He said they had jointly owned one other rental property which has been sold. Mr Livingstone told the Tribunal that he understands the Respondent lives in the Property with two children aged around 12 and 14. He said that he believes Mr Parry is employed full time and Ms Brain part time. He said the Property is a third floor flat and he is not aware of any vulnerabilities or illnesses in the family of the Respondent. He said he understood that the Respondent had been in touch with Edinburgh City Council about alternative accommodation and they had told them to remain in the Property until an eviction order is granted.

Findings in Fact

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent entered into a short assured tenancy agreement which commenced on 1 April 2016.
2. The tenancy was for the period 1 April 2016 to 6 October 2016 and month to month thereafter.
3. A Notice to Quit dated 17 October 2024 was served on the Respondent on 5 November 2024 stating that the tenancy would terminate on 6 January 2025.
4. A Notice in terms of Section 33 of the 1988 Act dated 17 October 2024 was served on the Respondent on 5 November 2024 stating that possession of the property was required on 6 January 2025.
5. The tenancy reached its *ish* on 6 January 2025 and is not continuing by tacit relocation.
6. Notification was provided to the Local Authority in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003.

Reasons for the Decision

The Tribunal determined to make an Order for possession of the Property in terms of Section 33 of the 1988 Act. The Tribunal noted that the tenancy had been properly created as a short assured tenancy and that a Section 33 Notice and Notice to Quit had been served on the Respondent giving two months' notice that the Applicant required possession of the Property. Having considered all of the circumstances, and in the absence of a submission from the Respondent, the Tribunal determined that it was reasonable to issue an eviction order

Decision

The Tribunal grants an Order for possession of the Property.

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.

Joan Devine

Legal Member

Date : 31 July 2025