



**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/25/0690

Property: 9 Gibson Terrace, 1F1, Edinburgh EH11 1AU ("Property")

Parties:

Clare Cartwright, 14 Braid Crescent, Edinburgh EH10 6AU ("Applicant")

**Gilson Gray LLP, 29 Rutland Square, Edinburgh EH1 2BW ("Applicant's
Representative")**

**Jean-Damien Ribiere, 9 Gibson Terrace, 1F1, Edinburgh EH11 1AU
("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 but to delay
enforcement until 5 January 2026.**

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 15 February 2014 and AT5; Notice to Quit and Notice in terms of section 33 of the Housing (Scotland) Act 1988 ("1988 Act") both dated 19 August 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 20 August 2024; notification to the Local Authority in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003 with covering email dated 18 February 2025 and sheriff officer execution of service confirming service of the application on the Respondent on 29 August 2025.

Case Management Discussion (“CMD”)

A CMD took place before the Tribunal by conference call on 20 October 2025. Gregory Smart of the Applicant’s Representative was in attendance as was the Respondent who was supported by Sean Deans of Crisis, Edinburgh.

Mr Ribiere told the Tribunal that he did not oppose the grant of an eviction order. He said that he was being supported by Crisis in his application to the local authority for alternative accommodation. He said that he has lived in the Property since 2011. He said that he lives in the Property alone.

Mr Smart told the Tribunal that the Applicant wishes to sell the Property as part of her retirement plans. He said she does not own any other rental properties. Mr Smart said the arrears are currently £4,040.

Mr Ribiere told the Tribunal that he has submitted a claim for universal credit and he is trying to reduce the arrears. He said that he is not in employment and has long term mental health problems. Mr Deans explained that he is helping Mr Ribiere to maximise his income by looking at other benefits in addition to universal credit. He said that Mr Ribiere was sanctioned by the DWP in 2022 and the housing element of universal credit was stopped. He said this was due to Mr Ribiere owning one third of a property in France. He said that a review of the decision was not completed due to Mr Ribiere’s health. He said that Mr Ribiere has now raised a tribunal with the DWP and he was hoping to obtain a backdated award. Mr Deans said that a homeless assessment had been booked for Mr Ribiere in anticipation of an eviction order being granted. He said that he had explained to Mr Ribiere what would be involved in Mr Ribiere becoming homeless.

Mr Ribiere explained that the property in France of which he owns one third is owned by him along with his mother and brother who live in the property. Mr Ribiere asked the Tribunal to consider delaying the date of execution of an eviction order until after the Christmas period.

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 15 February 2014.
2. The tenancy was for a period of 6 months from 15 February 2014 and month to month thereafter.
3. A Notice to Quit dated 19 August 2024 was served on the Respondent on 20 August 2024 stating that the tenancy would terminate on 15 November 2025.

4. A Notice in terms of Section 33 of the 1988 Act dated 19 August 2024 was served on the Respondent on 20 August 2024 stating that possession of the property was required on 15 November 2024.
5. The tenancy reached its *ish* on 15 November 2024 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 light of the lack of opposition from the Respondent, the Tribunal determined that it was reasonable to issue an eviction order but to delay enforcement until 5 January 2026.

Decision

The Tribunal grants an Order for possession of the Property but to delay enforcement until 5 January 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.

Joan Devine

Legal Member

Date : 20 October 2025