



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/25/1583

Re: Property at 6/5 Firrhill Loan, Edinburgh, EH13 9EH (“the Property”)

Parties:

Mr John Bennett, 7 Piershill Lane, Edinburgh, EH8 7EJ (“the Applicant”)

Miss Lesley White, 6/5 Firrhill Loan, Edinburgh, EH13 9EH (“the Respondent”)

Tribunal Members:

George Clark (Legal Member) and Ahsan Khan (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application should be decided without a Hearing and made an Order for Possession of the Property.

Background

1. By application, dated 11 April 2025, the Applicant sought an Order for Possession of the Property under Section 33 of the Housing (Scotland) Act 1988 (“the 1988 Act”), namely recovery of possession on termination of a Short Assured Tenancy.
2. The application was accompanied by a copy of a Short Assured Tenancy Agreement between Pettigrew Properties Limited and the Respondent, commencing on 10 July 2017 and, if not terminated on 10 July 2018, continuing on a monthly basis thereafter, and copies of a Notice under Section 33 of the 1988 Act and a Notice to Quit, both dated 31 January 2025 and both requiring the Respondent to vacate the Property by 10 April 2025.
3. On 3 October 2025, the Tribunal advised the Parties of the date and time of a Case Management Discussion, and the Respondent was invited to make written representations by 24 October 2025. The Respondent did not make any written representations to the Tribunal.

Case Management Discussion

4. A Case Management Discussion was held by means of a telephone conference call on the morning of 12 November 2025. The Applicant was represented by Miss Charlotte Gray of Professional Property Letting, Edinburgh. The Respondent was not present or represented.
5. The Applicant's representative told the Tribunal that the Applicant wishes to sell the Property after he regains possession and carries out some work to it. He is retired and has three other rental properties. The Respondent lives alone and is not thought to be in employment, as the rent is paid by the local authority. She has been a tenant of the Property since 2006.

Reasons for Decision

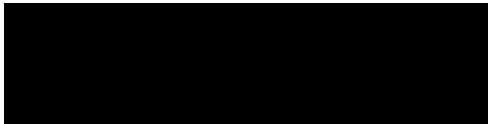
6. Rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 provides that the Tribunal may do anything at a Case Management Discussion which it may do at a Hearing, including making a Decision. The Tribunal was satisfied that it had before it all the information and documentation it required to enable it to decide the application without a Hearing.
7. Section 33 of the 1988 Act states that the Tribunal may make an Order for Possession of a house let on a Short Assured Tenancy if it is satisfied that the Short Assured Tenancy has reached its end, that tacit relocation is not operating, that no further contractual tenancy is for the time being in existence, that the landlord has given to the tenant notice stating that he requires possession of the house, and that it is reasonable to make the Order for Possession.
8. The Tribunal was satisfied that the tenancy had reached its end, that, by service of the Notice to Quit, tacit relocation was no longer operating, that there was no further contractual tenancy in existence between the Parties and that the Notice required under Section 33 of the 1988 Act had been properly given. The remaining matter for the Tribunal to consider was, therefore, whether it would be reasonable to issue an Order for Possession.
9. In arriving at its decision as to whether it would be reasonable to make an Order for Possession, the Tribunal considered carefully all the evidence before it. The Tribunal accepted that the Applicant wishes to recover the Property in order to sell it and noted that the Respondent had not made any written representations and had chosen not to attend or be represented at the Case Management Discussion, so had provided no information regarding her personal circumstances that she wished the Tribunal to consider in deciding whether it would be reasonable to make an Order for Possession.
10. Having considered all the evidence before it, the Tribunal decided that it would be reasonable to make an Order for Possession but that, in view of the fact that the Respondent has been in the Property for nearly 20 years, with

no evidence that there have been any issues with her as a tenant, the normal 30-day period before it could be enforced should be extended to 12 March 2026, in the hope that this would afford her sufficient time to access such support services as she may require in order to secure alternative permanent accommodation

11. The Tribunal's decision was unanimous.

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.



Legal Member/Chair

12 November 2025
Date