



**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/24/4738

Re: Property at 66/4 Captains Drive, Edinburgh, EH16 6QG (“the Property”)

Parties:

Mr Tim Brigg, 16 Hillside Cottages, Cousland, Dalkeith, EH22 2PA (“the Applicant”)

Mr Gordon Ross, 66/4 Captains Drive, Edinburgh, EH16 6QG (“the Respondent”)

Tribunal Members:

Mark Thorley (Legal Member) and Gordon Laurie (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order of eviction be granted but that implementation be delayed until 13 February 2026.

- **Background**

The applicant applied to the tribunal for an order of eviction. The application was dated 7th April 2025. The application was accompanied by a short assured tenancy, section 33 notice, notice to quit and AT6. The application was accepted for determination on 9th July 2025. The application was served by sheriff officers.

The respondent instructed representation and a helpful submission was prepared by CHAI on behalf of the respondent. The submission set out that the respondent did not oppose the granting of eviction but sought delay of implementation of the order. The reasons given were that the applicant had rented the property for 14 years, and that he has a 7 year old daughter with whom he has contact who suffers from ASD.

- The Case Management Discussion

At the case management discussion, held on 13 November 2025, Ms Bennett appeared for the respondent. No appearance by or for the applicant. Ms Bennett maintained that the respondent was not opposed to the order for eviction but she sought an additional 3 months, that was additional to the 30 day period of any order. ie a total period of 4 months from the date of the case management discussion before there could be implementation of the eviction order.

- Findings in Fact

1. The parties had entered into a tenancy agreement for the property at 66/4 Captains Drive, Edinburgh in an agreement dated 21 May 2014.
2. The applicant had brought the tenancy to an end.
3. The respondent has been a long term tenant of the property and does not have any alternate accommodation.
4. The respondent has a seven year old daughter with whom he has contact and she has ASD.

- Reasons for Decision

Although the applicant did not attend the case management discussion, the respondent's representative acknowledged and accepted that an order for eviction should be granted. The only issue was the length of time to be allowed to the respondent to seek to obtain alternate accommodation from the local authority. The representative sought a period of three months in addition to the 30 day period normally granted in an order.

The tribunal took the view that a total period of 3 months should be allowed. That would mean that no order was granted prior to Christmas and would allow the local authority further time into the New Year to provide the respondent with alternate accommodation. The Tribunal took into account the lengthy period that the respondent had rented the property and the difficulties of the respondent's daughter.

The applicant did not attend the hearing nor had provided any response to the respondent submission.

- Decision

To grant an order of eviction but delaying implementation of the order until 13th February 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.

Mark Thorley

13th November

Legal Member/Chair

Date