



**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/25/0693

**Re: Property at 29 Wood Terrace, Armadale, West Lothian, EH48 2NX (“the
Property”)**

Parties:

**Mr Gordon Graham, Mrs Diane Graham, NO.53, CALLE ACUARIUS, J5, LA
FLORIDA, ORHIUELA COSTA, Spain (“the Applicant”)**

**Mrs Laura Borst, 29 Wood Terrace, Armadale, West Lothian, EH48 2NX (“the
Respondent”)**

Tribunal Members:

Nairn Young (Legal Member) and Eileen Shand (Ordinary Member)

Decision (in absence of the Respondent)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that**

- Background

This is an application for an order for possession of the Property, which was let to the Respondent by the Applicants in terms of a short assured tenancy agreement. It called for case management discussion (‘CMD’) at 10am on 21 October 2025, by teleconference. The Applicant was represented on the call by Mrs Collette Kempik of Lothian Homes. The Respondent was not on the call and was not represented.

The application and details of the CMD were served on the Respondent by sheriff officers on 3 September 2025. The Tribunal was therefore satisfied that she was aware of the calling and had chosen not to oppose the application.

- Findings in Fact

The following facts were relied upon by the Tribunal, as unopposed, in making its decision:

1. The Respondent let the Property from the Applicants in terms of a short assured tenancy agreement with an initial term of six months, commencing 9 November 2017.
2. In terms of the agreement, the lease thereafter ran on month to month, unless terminated by either party giving two months notice to the other.
3. Following its initial term, the lease ran on in this manner until terminated on 9 February 2025.
4. That termination was effected by the Applicants serving notice to quit on 23 November 2024, along with notice that they required possession of the Property at termination, in terms of s.33(1)(d) of the Housing (Scotland) Act 1988 ('the Act').
5. The Applicants wish to sell the Property.
6. The Respondent lives at the Property with her children, aged 14 and 16.
7. The Respondent has been in touch with the local authority who have indicated she will be accommodated by them once an order for her eviction is granted.

- Reasons for Decision

8. The tenancy has reached its end and tacit relocation is not operating. The notice required by s.33(1)(d) of the Act was served. It is reasonable for an order for possession to be granted. The Applicants wish to sell the Property and the Respondent has not suggested it is unreasonable for them to be allowed to do so. The impact on her and her family of losing their home will be

mitigated by the local authority's agreement to rehouse them, once an order is granted. The requirements of s.33 of the Act are therefore met and an order should be granted.

- Decision

Order for possession granted.

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.

Nairn Young

Legal Member/Chair

Date: 21/10/2025