

Housing and Property Chamber

First-tier Tribunal for Scotland



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 16 of the Housing (Scotland) Act 2014 and Section 18 of the Housing (Scotland) Act 1988 ("the 1988 Act").

Chamber Ref: FTS/HPC/EV/25/2140

Re: Property at 190A Church Street, Tranent, East Lothian, EH33 1BL ("the Property")

Parties:

Mrs Paula Boyle, 26 Windygoul Crescent, Tranent, East Lothian, EH33 2BA ("the Applicant") and

Miss Rachael Rattray, 190A Church Street, Tranent, East Lothian, EH33 1BL ("the Respondent")

Tribunal Members:

G McWilliams- Legal Member
A Khan- Ordinary Member

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determines to grant the Application.

Background and Case Management Discussion on 28th November 2025

1. This Application has been brought in terms of Rule 65 (Application for order for possession of a short-assured tenancy on mandatory or discretionary grounds) of The First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 ("the 2017 Rules").
2. A Case Management Discussion ("CMD") proceeded by remote tele-conference call at 10am on 28th November 2025. The Applicant's daughter Ms G Slight attended to represent her mother. Ms Slight said that Mrs Anne Rattray, the Respondent's mother, who had been in regular email communication with the Tribunal's office regarding the Application, on behalf of her daughter, had told Ms Slight today that she was unwell and unable to attend the CMD..

3. Ms Slight referred to the Application papers and, in particular, Mrs Rattray's email to the Tribunal's office dated 15th November 2025, in which she asked that an eviction order with a deferred enforcement date in January 2026 be granted. Ms Slight said that her mother, the Applicant Mrs Boyle, had no difficulty with an order being granted with a deferred enforcement date of 2nd February 2026.

Findings in Fact and Law

4. The parties' tenancy agreement began on 18th July 2014.
5. The Applicant, Mrs Boyle, seeks to reside in the Property. The Respondent, Miss Rattray, with assistance from her mother, Mrs Anne Rattray, is liaising with West Lothian Council and expects to be given a tenancy of a property by the Council shortly.
6. The principal Ground upon which the Application proceeds, namely Ground 1 in Schedule 5 to the 1988 Act, is satisfied. Mrs Boyle wishes to reside in the Property as her principal home and Miss Rattray agrees to Mrs Boyle doing so. Accordingly, an order for Mrs Boyle's possession of the Property on this Ground can be granted.
7. It is reasonable that an order for possession is granted. Both parties are in agreement that an eviction order be granted with a deferred enforcement date of 2nd February 2026.

Reasons for Decision

8. Section 16 of the Housing (Scotland) Act 2014 provides as follows:

“16. Regulated and assured tenancies etc.

(1) The functions and jurisdiction of the sheriff in relation to actions arising from the following tenancies and occupancy agreements are transferred to the First-tier Tribunal -

- (a) a regulated tenancy (within the meaning of section 8 of the Rent (Scotland) Act 1984 (c.58)),
- (b) a Part VII contract (within the meaning of section 63 of that Act),
- (c) an assured tenancy (within the meaning of section 12 of the Housing (Scotland) Act 1988 (c.43)).

9. Accordingly, the Tribunal now has jurisdiction in relation to claims by landlords, such as the Applicant, against tenants, such as the Respondent, for possession relating to a tenancy agreement, such as the parties' tenancy agreement.
10. In terms of Section 18 of the 1988 Act the Tribunal shall not make an order for possession of the house let on the tenancy except on one or more of the grounds set out in Schedule 5 to the 1988 Act.

11. Ground 1 in Schedule 5 to the 1988 Act provides that it is an eviction ground that a landlord requires a property for use by himself/herself as their principal home.
12. Ground 1 is satisfied. It is agreed by the parties that Mrs Boyle wishes to reside in the Property as her home.
13. Therefore, the Tribunal decided that it was reasonable to grant an eviction order, with a deferred enforcement date in accordance with the wishes of the parties.

Decision

14. The Tribunal grants the Application.

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.

Gerald McWilliams

G McWilliams

28th November 2025

Tribunal Legal Member

Date