

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 51(1) of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/EV/25/2235

Re: Property at 363 Leyland Road, Bathgate, EH48 2US (“the Property”)

Parties:

Miss Morgan Charleston, 602 Sydney Tower, Jumeirah Village Circle, Dubai, United Arab Emirates, United Arab Emirates (“the Applicant”)

Mr Mark Coulson, 363 Leyland Road, Bathgate, EH48 2US (“the Respondent”)

Tribunal Members:

Andrew McLaughlin (Legal Member) and Melanie Booth (Ordinary Member)

[1] The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted the Application and made an Eviction Order on the provision that the order may not be enforced until 5 February 2026.

Background

[2] The Applicant seeks an Eviction Order under ground 4 of Schedule 3 of the Act. The Application is accompanied by a copy of the tenancy agreement and the notice to leave with proof of service. The relevant notice under Section 11 of the Homelessness (etc) (Scotland) Act 2003 is also produced.

The Case Management Discussion

[3] The Application called for a Case Management Discussion (CMD) by conference call at 10am on 24 November 2025. The Applicant was present together with her representative, Mr Neil Charleston. The Respondent was also personally present.

Neither party had any preliminary matters to raise. The Tribunal discussed the Application with the parties. The Respondent confirmed that he was content to leave the Property but explained his difficulties in securing alternative accommodation.

[4] The Applicant is currently employed as a teacher in West Lothian and she has recently returned from living and working in Dubai. She now wishes to move back into her Property. She is currently living between houses and has a one hour commute each way to her place of work. The Property would be much more convenient for her. The Applicant is understandably anxious to move back in as soon as possible.

[5] The Respondent was very understanding of the Applicant's position. He is content to move out but the discussion very quickly turned to whether or not it was appropriate to grant the Respondent's request for an extra month in the Property. The Respondent works full time from home for HMRC. He has sensitive conversations as part of his work. He suffers from depression, anxiety and bi-polar disorder. In the past he has been treated with Quetiapine which the Tribunal knows is not prescribed lightly. The Respondent also cares for his mother who lives locally. He has tried to rent a property in the private sector, but 15 applications yielded no interviews. He has been liaising with the local authority who have told him that there is a housing crisis and may require some time to assist him. The Respondent is anxious about temporary accommodation and the impact that may have on his work and his caring responsibilities. The Tribunal adjourned and considered the competing submissions regarding whether it was appropriate to delay the enforcement of any order to be made.

[6] Having heard from parties the Tribunal made the following findings in fact.

Findings in Fact

- 1) *The Applicant let the Property to the Respondent by virtue of a Private Residential Tenancy Agreement.*
- 2) *The Applicant now wishes to move back into the Property.*
- 3) *The Applicant has competently served a notice to leave under ground 4 on the Respondent;*
- 4) *The Applicant has complied with Section 11 of the Homelessness (etc) (Scotland) Act 2003;*
- 5) *The Respondent is content to leave the Property but it may not be straightforward for the Respondent to find suitable alternative accommodation.*

Reasons for Decision

[7] Having made the above findings in fact, the Tribunal considered that ground 4 of Schedule 3 of the Act was established and that it was reasonable to make an Eviction Order. The Tribunal granted the Application but considered that it was reasonable to do so on the provision that the order may not be enforced until 5 February 2026. Hopefully that will allow the local authority more time to find suitable alternative accommodation and also to avoid the Respondent having to vacate the Property over the festive period. While the Applicant's desire to move back into the Property is understandable, it cannot simply ride rough shod over the interests of the Respondent who is doing his best to find somewhere else to live and whose own position is deserving of equal understanding.

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.

A. McLaughlin

Legal Member/Chair

5 December 2025

Date