

**Housing and Property Chamber**  
First-tier Tribunal for Scotland

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**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 (“the Act”)**

**Chamber Ref: FTS/HPC/EV/25/1960**

**Re: Property at 121 Kennedy Way, Airth, Falkirk, FK2 8GG (“the Property”)**

**Parties:**

**Mr Stevan Govan, 20 Sneddon Place, Airth, Falkirk, FK2 8GH (“the Applicant”)**

**Mr Dean Rimbault, Mrs Phillipa Rimbault, 121 Kennedy Way, Airth, Falkirk, FK2 8GG (“the Respondents”)**

**Tribunal Members:**

**Maurice O’Carroll (Legal Member) and Helen Barclay (Ordinary Member)**

**Decision:**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an Order for Eviction be granted but that said Order may not be executed prior to 28 February 2026.**

**Background**

1. A Case Management Discussion (CMD) was held by telephone on 10 December 2025 at 10am. Present on the call were the Applicant and both the Respondents. The Applicant was represented on the call by Mr Adam Gardiner of Messrs Lindsays.
2. The CMD was convened in order to consider an application for eviction dated 8 May 2025. The application was made under rule 109 on the basis of Ground 5 of Annex 3 to the Act, namely that eviction is sought to enable a qualifying member of the Applicant’s family to move into the let Property.
3. Prior to the CMD, the Applicant provided a sworn affidavit dated 24 November 2025 setting out the factual basis for the application for eviction discussed below.

4. The Respondents for their part made written representations dated 11 November 2025 the terms of which were confirmed at the CMD.

### **The Case Management Discussion**

5. Mr Gardiner for the Applicant confirmed that the application for eviction was in order to provide care for the Applicant's mother-in-law. She has early onset dementia and requires frequent care. At present she is attended by carers 2-3 times per day. She now requires to live in more suitable accommodation to cater for her needs, with her family nearby. Unlike her present residence, the Property has ground floor entry and is closer to the Applicant and his family. It is also intended that the Property be occupied by her son, the Applicant's brother-in-law, so that he may provide her with care.
6. The Respondents confirmed that they live together with their three children. The two eldest are at Larbert High School. The youngest son attends Airth Primary School. The Respondents provided confirmation from the Depute Head Teacher at their son's school that he has a neurodevelopmental diagnosis of autism and as such receives an adapted curriculum and environment to support him. He thrives on consistency and familiarity in his life. Any changes in his life are challenging to him.
7. The Respondents provided evidence that they had been seeking alternative accommodation via Shelter and the local authority. They have identified a property which might be available to them in January 2026 but as at the date of the CMD this had not been confirmed. They requested time for that to happen.
8. Mr Gardiner for the Applicant accepted that the Tribunal might wish to exercise its discretion to delay the effective date of an Order for Eviction until January or February 2026 in the circumstances.

### **Findings in fact**

9. The respondents entered into a rental agreement by means of a Private Residential Tenancy with the previous landlord on 1 August 2020 when the tenancy commenced. The tenancy transferred to the Applicant upon purchase of the Property by him on 7 January 2025.
10. The requirements of Ground 5 of Schedule 3 to the Act have been met: the parties intended to take occupation of the Property are qualifying relatives of a person in a qualifying relationship with the Property owner.
11. The pre-action requirements for eviction proceedings have been complied with by the Applicant. The Respondents were validly served with a Notice to Leave on 21 January 2025. A copy of the Notice to Leave was duly served on the local authority in accordance with the terms of section 11 of the Homelessness Etc. (Scotland) Act 2003 on 8 May 2025.

12. The terms of the Applicant's affidavit and the Respondent's representations of 11 November 2025 and the factual matters referred to in each of those documents were accepted as being truthful and reliable by the Tribunal.

### **Reasons for decision**

13. The Tribunal has discretion as to whether or not an Order for Eviction should be granted.
14. In deciding how to exercise that discretion, the Tribunal was faced with significant competing interests on the part of both parties as summarised above. It would clearly be inequitable to grant an Order for Eviction immediately in light of the circumstances of the Respondent. Equally, it would be inequitable to refuse to grant an Order for Eviction in light of the circumstances of the Applicant. It was therefore necessary to adopt a compromise in order to find a balance between these important competing interests.
15. The Tribunal therefore decided that an Order for Eviction should be granted but that a period of time should be allowed to the Respondents in order to allow them to finalise arrangements for alternative accommodation. The Tribunal understood that arrangements, although not finalised, had been progressing towards that end. It was therefore persuaded to provide a stay in execution of the Order to allow the Respondents to finalise those arrangements and allow a measure of flexibility prior to the termination of the lease over the Property.
16. The Respondents requested to be allowed to stay in the Property until January 2026. Given the holiday period in the interim, the Tribunal decided to allow a small amount of further time, until 28 February 2026 before the Order might be executed. Following that period, there is a further period of 14 days before Sheriff Officers may enforce the Order for Eviction. That effectively means that physical repossession may not occur until mid-March 2026.
17. The Respondents provided an undertaking to inform the Applicant in the event that alternative accommodation could be found by them earlier than the time period outlined above. The Tribunal hopes that the Order for Eviction to follow this decision may expedite matters if presented to the local authority or other body providing housing assistance.
18. Accordingly, the necessary grounds for recovery in terms of Schedule 3 to the 2016 Act having been established, the Tribunal was persuaded that an Order for Eviction should be granted. However, taking into account the special circumstances and competing interests of both parties, it determined that there should be a stay of execution of the Order until 28 February 2026 at the earliest.

### **Decision**

19. The Tribunal therefore grants the Order for Eviction sought which may not be executed any earlier than 28 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.**

**M O'Carroll**

10 December 2025

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**Legal Member/Chair**

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**Date**