



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

Chamber Ref: FTS/HPC/EV/25/1920

Re: Property at 1 Elgin Court, Dunfermline, KY12 7SP (“the Property”)

Parties:

**Ms Elaine Hutton, East Bowershall, Bowershall, Dunfermline, Fife, KY12 0RZ
 (“the Applicant”)**

Mr Tom Weir, 1 Elgin Court, Dunfermline, KY12 7SP (“the Respondent”)

Tribunal Members:

Andrew Upton (Legal Member) and Gerard Darroch (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an eviction order should be granted.

Statement of Reasons

1. This Application called for its Case Management Discussion by teleconference call on 16 December 2025. The Applicant was represented by Mr Dalziell of Abbey Forth Property Management Ltd. The Respondent was present on the call.
2. In this Application, the Applicant seeks an eviction order. She claims that she intends to undertake extensive works at the Property that preclude the Respondent remaining in the Property. Those works are more particularly specified in the quotation from Ethan J. Morgan Joinery dated 17 February 2025, and include replacement of the bathroom and kitchen, full replacement of floor coverings, electrical testing and renewal, replacing all internal doors and ironmongery, and full redecoration.

3. The Respondent confirmed that he did not oppose the Application. He is ready and willing to vacate the Premises. He said that he is packed and has been living out of boxes for most of the year. The issue from his perspective is that he requires social housing, and will not be given sufficient priority by the local authority until after an eviction order is granted. The Respondent confirmed that he has applied for housing. He is 59 years old and lives alone. He has several medical issues, including a brain tumour which causes dizziness and nausea, osteoarthritis and chronic back pain. He is hopeful of obtaining ground floor accommodation due to his disabilities. If the eviction order is granted, Mr Weir has asked that sufficient time be given for the local authority to source suitable alternative accommodation for him.
4. Mr Dalziell confirmed that the Property is a first floor flat with a ground floor access. If one enters the front door they are immediately required to ascend a flight of stairs. He said that the works cannot be completed with the Respondent in the Property because it would remove the bathroom from operation for a period. Mr Dalziell indicated that the Applicant considered the Respondent a very good tenant, and was prepared to allow him additional time to find suitable accommodation.
5. In terms of rule 17(4) of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017, the Tribunal may do anything at a Case Management Discussion that it may do at a Hearing, including make a Decision. In terms of rule 2, when making a Decision the Tribunal must have regard to the overriding objective to deal with proceedings justly.
6. The parties are not in dispute about the substance of the Application. It is agreed that the Applicant intends to carry out the redevelopment of the Property and that she is entitled to do so. There is no dispute that it is reasonable to grant the eviction order to allow those works. The Respondent's issue is a pragmatic one: he cannot vacate the Property until he is rehoused.
7. In the circumstances, the Tribunal unanimously determined that ground 6 of schedule 5 to the Housing (Scotland) Act 1988 was established, and that it was reasonable to grant the eviction order.
8. Given the Respondent's complex health needs, as well as the proximity of the festive break and the likely impact that will have on the local authority's ability to source suitable alternative accommodation, the Tribunal was persuaded that the enforceability of the eviction order should be delayed to allow additional time to find suitable alternative accommodation for the Respondent. Accordingly, the Tribunal determined that the eviction order should not be enforceable before 10 March 2026. That will allow the local authority 12 weeks from 16 December 2025 to find suitable alternative accommodation.

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.

Andrew Upton

16th December 2025

Legal Member/Chair

Date