



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/25/1827

Re: Property at Wallycleugh Cottage, Oldhamstocks, Cockburnspath, East Lothian, TD13 5XW (“the Property”)

Parties:

Mrs Caroline Ware (Executor of the late Mrs Y Bamber), 45 Victoria Road, Macclesfield, SK10 3JA (“the Applicant”)

Mrs Lisa Philippa Antonia McDermott, Wallycleugh Cottage, Oldhamstocks, Cockburnspath, East Lothian, TD13 5XW (“the Respondent”)

Tribunal Members:

Mark Thorley (Legal Member) and Eileen Shand (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to grant an Order of Eviction.

- **Background**

1. The application was made on 29 April 2025 for an Order of Eviction. The application was accompanied by a copy of the Tenancy Agreement, Notice to Leave, proof of Notice to Leave, Section 11 Notice and email service of the Section 11 Notice, Death Certificate, Confirmation on the estate, Mandate for the agents to attend and also a letter from architects dated 18 January 2025. The basis of the application for eviction was that the Property in question was to be renovated.
2. The application was accepted for determination on 2 July 2025. It was thereafter served by Sheriff Officers.

- **The Case Management Discussion**

1. At the case management discussion the Applicant was represented by Ms Smith from Watt Property. The Respondent was present along with her mother.
2. It became that the Respondent wished to move out of the Property and wished an order of eviction to be granted. The Property was an isolated one. She did not drive. She had a 12-year-old son who was at senior school. The property required significant refurbishment. She wished to move to Dunbar or its area. Accordingly, an Order of Eviction would in fact assist her.

- **Findings in Fact**

1. The parties entered into a Tenancy Agreement for the rental of the property dated 1 April 2023, with a rental of Five Hundred and Twenty Five Pounds (£525) per month.
2. The Respondent lived at the address along with her son.
3. The Applicant was an executor of the estate of her late mother, who owned the property. Significant refurbishment work was to be carried out to the main property and the cottage, which was the property in which the Respondent lived. The Respondent wished to move away from the Property.

- **Reasons for Decision**

1. There was no dispute between the parties. The Respondent wished to move away from the Property. She lived at the Property along with her 12-year-old son. Her husband had moved out some years ago. The Property was no longer suitable for her. She had applied for local authority housing and to social landlords. Her son was at school in Dunbar. She wished to move there. She did not drive.
2. She entirely accepted that there was a significant amount of refurbishment work which was to be undertaken to the cottage and the adjoining main house. She appreciated as well that nobody could live in the property while this refurbishment work was to be undertaken. The work was going to take between 12-18 months to complete.
3. Planning Consents had been obtained. The work could commence shortly.
4. There was no disagreement between parties. The Respondent did wish to move out. She did not wish any delay in an order being granted.

5. The Tribunal accepted that the Applicant did wish to extensively refurbish the property, which was the ground of eviction.
6. On the basis there was no one opposing the order being granted, the Tribunal proceeded to grant the Order for Eviction.

- **Decision**

1. To grant an Order of Eviction.

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.

Mark Thorley

Legal Member/Chair

Date: 5th December 2025