



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 33 of the Housing (Scotland) Act 1988

Chamber Ref: FTS/HPC/EV/24/3950

Re: Property at 1A LONDON STREET, EDINBURGH, EH3 6LZ (“the Property”)

Parties:

MR NEIL GRICE, MRS HENRIETTA GRICE, 3 CRABTREE GREEN COURT, STONEY FORD LANE, NORTHWICH, CW8 2WN (“the Applicants”)

MRS CHRISTINE LONGSTAFF, MR KEITH LONGSTAFF, 1A LONDON STREET, EDINBURGH, EH3 6LZ; 19B London Street, EDINBURGH, EH3 6LY (“the Respondents”)

Tribunal Members:

Gabrielle Miller (Legal Member) and David Fotheringham (Ordinary Member)

Decision (in absence of the Respondents)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the order for recovery and possession should be granted in favour of the Applicant

Background

1. This is an application in terms of Rule 66 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”). The Applicant is seeking an order for recovery of possession in terms of section 33 of the Act.
2. On 30th May 2025, all parties were written to with the date for the Case Management Discussion (“CMD”) of 14th July 2025 at 10am by teleconference. The letter also requested all written representations be submitted by 20th June 2025.

3. On 2nd June 2025, sheriff officers served the letter with notice of the hearing date and documentation upon the Respondent by letterbox service. This was evidenced by Certificate of Intimation dated 2nd June 2025.
4. The First Named Respondent, Mrs Christine Longstaff, emailed the Housing and Property Chamber on 11th June 2025 submitting a Time To Pay Direction (“TTPD”). She also lodged a submission stating that the Second Named Respondent, Mr Keith Longstaff, has not been resident in the Property for the majority of the tenancy. She proposed to pay £350 to the arrears from 3rd August 2025 for the conjoined case.
5. On 25th June 2025, the Applicants’ representative emailed the Housing and Property Chamber with a response to the TTPD. This was opposed due to the duration of the proposed repayment time and that it appeared to be dependent upon the Respondent remaining in the Property.
6. On 30th June 2025, the Applicants’ representative emailed the Housing and Property Chamber lodging an up to date rent account, a paper apart explaining the Applicants position regarding selling the Property and a letter of engagement from estate agents to sell the Property. The rent account was for the period June 2023 to June 2025. It stated the arrears are currently £15265.
7. On 5th July 2025, the First Named Respondent emailed the Housing and Property Chamber raising several points including that she has been advised that the Notice to Quit was not served on the ground of rent arrears. It also stated that should she have to leave the Property she would not be able to repay the rent at the same rate which she had offered in the TTPD.

Case Management Discussion

8. The Tribunal held a Case Management Discussion (“CMD”) on 14th July 2025 at 10am by teleconference. The Applicant was present and was represented by Mr Tony McTigue, Trainee Solicitor, Jackson Boyd. The Respondents were not present. The Tribunal proceeded in terms of Rule 29 of the Rules.
9. It was noted in the representations sent by the First Named Respondent, Mrs Longstaff, that the Second Named Respondent does not live in the Property and has not done so for many years. The Applicant confirmed that there has never been any notice from the Second Named Respondent that he wished to be removed from the tenancy. Mr McTigue said that so while he may not be living there he remains jointly and severally liable for all aspects of the tenancy until he is removed from it.
10. A further preliminary point was raised in the submission lodged by Mrs Longstaff on 5th July 2025. It stated that the Notice to Quit was raised under the wrong ground as this case said rent arrears but she has been informed that the Applicants intend to move into the Property. Mr McTigue said that this is an incorrect point. The Notice to Quit was raised under section 33 of the Housing

(Scotland) Act 1988. It is effectively ending the tenancy without fault. However, due to the Tribunal's requirement to ensure that it must be reasonable to grant an order for eviction, the issues around the substantial arrears have been lodged. Had this case been under Rule 65 with an AT6 lodge (which sets out the grounds) or had it been a Private Rented Tenancy under the Private Housing (Tenancies) (Scotland) Act 2016 then the ground for eviction would have been relevant. The Tribunal accepted this point as correct. Its focus on the rent arrears was predominately in relation to the issue of reasonableness in granting or not granting an order.

11. Mr McTigue said that there has been no contact from Mrs Longstaff recently. The letting agent has written to her on 30th June 2025 with an up to date copy of the rent schedule. There has been no response to this correspondence. He is not aware of any entitlement to Universal Credit Housing Element, noting that in the proposed payment plan lodged it stated that she was working part time and in receipt of Tax Credits. Nothing further is known about her income. Mr McTigue was not aware of any vulnerabilities or disabilities in the household. The Applicant noted that it has been said that Mrs Longstaff has two dependent children. However, there was a post on social media of her son being 21 in January 2025 and her other son being 19. The Tribunal noted that it did not have copies of this before it.
12. The Applicant said that Mrs Longstaff did have a café and street food stand in Leith. However, according to social media this closed around May 2024 which is when there became issues with the rent not being paid. The Applicant said that there had been issues in the past with the rent but that she had always been given a chance to catch up. That was in March 2023. This has not happened in this case. The Applicant said that he has a buy to let mortgage over the Property which costs £636 per month. The non payment of rent is putting a financial pressure upon them. The mortgage term is nearing an end and it is anticipated that from September this mortgage will rise to £950 per month. It is the intention of the Applicants to sell the Property once it is vacant as both have retired. This means that they will need to stay on the non fixed rate mortgage until it is sold or there will be financial penalties. The Applicant confirmed that he only rents out this house with his wife. He has a 50% share in his late father's home with his sister. This was their family home. This property is in England. The Applicant also noted that the rent has only increased three times in the last 10 years. He believes that the Property currently has rent charge well below the market value which would be around £1200 - £1300 per month. He feels that as landlords that they have been reasonable with Mrs Longstaff. The Applicants are not confident that Mrs Longstaff will pay either her ongoing rent charge or address her arrears going forward given her history of payments.
13. The Tribunal considered all the information that it had before it. The notices had been served in a correct legal manner. In terms of reasonableness, the Respondents have a very high level of rent arrears which has not been addressed at all for over a year which is putting a financial pressure on the Applicants.

Findings in Fact and Reasons for Decision

14. The parties entered into a Short Assured Tenancy on 3rd February 2014 for a 6 month period until 4th August 2014. The tenancy was continued by tacit relocation thereafter with no less than a two month notice period. An AT5 was signed by both parties on the 28th January 2014. The rent payments of initially £880 per month was increased three times over ten years to the current rent charge of £995 per month. This is due to be paid on third day of each month.
15. A Notice to Quit and Section 33 notice were both served on 25th March 2024 by sheriff officer and first class post.
16. The Applicants have now retired and wish to sell the Property to fund their retirement. They do not own any other rental properties. Mr Grice does own a share of his late father's home with his sister.
17. The Respondent has not paid any of her ongoing rent charge since April 2024. She has made no attempt to make any payments at all since then.
18. The Tribunal was satisfied that a Short Assured Tenancy had been entered into by the parties. It was satisfied that the notices had been served in an appropriate manner to end the tenancy in terms of section 33. It was satisfied that there were no other issues of reasonableness before them to prevent an order for eviction being granted. Given this the Tribunal was satisfied all appropriate paperwork had been served appropriately and there were no issues of reasonableness to prevent the order being granted, the Tribunal granted the Order for repossession was granted.

Decision

19. The Applicant is entitled to for an Order of for recovery of possession.

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.

Gabrielle Miller

14th July 2025

Legal Member/Chair

Date