



**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/25/2893

Re: Property at 106 Foulford Road, Cowdenbeath, KY4 9AT ("the Property")

Parties:

Mr Richard Hodge, 209 Stenhouse Street, Cowdenbeath, Fife, KY4 9DL ("the Applicant")

Mr Richard William Jamieson, 106 Foulford Road, Cowdenbeath, KY4 9AT ("the Respondent")

Tribunal Members:

Gillian Buchanan (Legal Member) and Gerard Darroch (Ordinary Member)

Decision

At the Case Management Discussion ("CMD") which took place by telephone conference on 23 February 2026, the Applicant was in attendance supported by his wife, and was represented by Mr Andrew Grieve of W&AS Bruce, Solicitors. The Respondent was also present.

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that -

Background

The Tribunal noted the following background:-

- i. The Applicant and Hazel Hodge are heritable proprietors of the Property.
- ii. The application concerns an Assured Tenancy ("the Tenancy") entered into between the Applicant and the Respondent relative to the Property that commenced on 9 June 2006.
- iii. The initial term of the Tenancy was for the period to 9 December 2006 and the Tenancy continues by tacit relocation.
- iv. On 2 April 2025, the Applicant per his agents served on the Respondent by Sheriff Officer a Notice to Quit and Form AT6 Notice under Section 19 of the Housing (Scotland) Act 1988 requiring the Respondent remove from the Property by 9 June 2025. The Form AT6 Notice proceeded on the basis of Ground 1 of Schedule 5 of the 1988 Act.

- v. The Applicant per his agents has served on Fife Council a Notice under Section 11 of the Homelessness etc (Scotland) Act 2003.

A CMD had previously taken place on 2 December 2025. That CMD was adjourned at the request of the Applicant's agent for additional documentation to be lodged and for additional details to be obtained from the Applicant.

Prior to the CMD on 23 February 2025 the Tribunal received:-

- An email from the Applicant's agent dated 13 February 2026 with Written Submissions, a Third Inventory of productions and Affidavits of the Applicant and his wife, Hazel Boyle.
- An email from the Respondent dated 19 February 2026 with correspondence and documents attached.

The CMD

At the CMD Mr Grieve and the Applicant made the following additional oral submissions to supplement the application and documentation lodged:-

- i. The Applicant seeks an eviction order.
- ii. The Property comprises 3 bedrooms together with a garage and garden to the rear. The Property was built in 1997 and is in a townhouse style over 3 levels.
- iii. The Property is located around half a mile from the Applicant's current home.
- iv. The Applicant and his wife lived in the Property as their own home between 2002 and 2006. As their daughter got older her medical needs were such that a larger home was required. She now lives independently.
- v. The Applicant's current home was built in 1912. It is a detached property with two upstairs bedrooms and two downstairs bedrooms, a cellar, loft, three level garden and large outhouses. All rooms are not used. The property is in need of maintenance.
- vi. The Applicant and his wife also own a third property at 2 Northview Cottages, Hill of Beath. That property is very small with two bedrooms and a spiral staircase. It is an old miner's cottage and the first home of the Applicant and his wife. The property was built around 1900 and needs a lot of refurbishment including a new kitchen and bathroom. That property is occupied by an 86 year old tenant. The Applicant said that he and his wife would struggle to live at 2 Northview Cottages. They want to occupy a property that is easier and cheaper to keep.
- vii. They have fond memories of living in the Property and many friends in the street.
- viii. The Applicants have had proper and respectful discussions with the Respondent about their return to the Property. The rent has been kept low to reflect their intention to return when circumstances changed. The Applicant referred to text messages exchanged and also to an occasion around one year ago when the Respondent came for dinner and it was made clear the Applicants' intention to move back to the Property. The Respondent understood the position but needed the eviction process for alternative accommodation to be found. The Applicant said he was surprised that at the previous CMD the Respondent appeared to be opposing the grant of an eviction order.
- ix. With regard to adaptations at the Property these are mostly around the installation of bannisters.
- x. The Applicant has recently increased the rent to £1000 per month. This decision was taken due to the increase in costs of living at home and to bring the rent up to market value. The rent has not been increased since 2006. The Applicant's wife

can no longer work and the Applicant is not working either. They have no income. Rent arrears are currently £525.

At the CMD the Respondent also made the following oral submissions to supplement his written documentation:-

- i. With regard to alternative accommodation the Respondent has been in touch with Fife Council and has been advised to stay in the Property for now.
- ii. The Respondent has forwarded notice of the CMD to Fife Council.
- iii. The Tribunal asked what sort of accommodation the Respondent hoped to be allocated and he referred to a single level bungalow with two bedrooms. He understands that he would initially be allocated temporary accommodation with his furniture being put into storage. He has been told it may take months for permanent and suitable accommodation to become available.
- iv. He hopes to remain within the same geographical area as the Property.
- v. His application to Fife Council also covers available housing association properties.
- vi. With regard to the private sector, the Respondent said he had also made inquiries there. He referred to asking one potential landlord if the property could be adapted with grab rails etc but was told that a tenant without that need would be preferred.
- vii. Fife Council is happy to adapt a property as required.
- viii. The Respondent referred to the documentation that he had lodged evidencing that he will be undergoing therapy for PTSD. He will be informed by letter as to when that will begin but has been advised it will be at least six months from now.
- ix. Asked directly whether the Respondent is opposing the grant of an eviction order, he stated that he is not opposing the order. He agreed that he had always got on well with the Applicant and the Respondent had suggested a 50% increase in rent to stay in the Property but this was rejected.
- x. With regard to physical injuries the Respondent advised that he has a broken back, a broken ankle and a damaged right knee. He walks with a limp and a stick, and wears a back brace.
- xi. There had been no discussions about adaptations at the Property for his benefit until after his mother's death. Fife Council suggested that the adaptations made for his late mother remain in place.
- xii. He said that the Property comprised 2 bedrooms and a box room and said "let right be done".

The Applicant made final remarks to the effect that his relationship with the Respondent had been very good but the Applicant and his wife's circumstances had changed. He also challenged the Respondent's description of the property and stated that it has three bedrooms which he said is referred to in the title deeds and has been assessed by the Council as such.

The tribunal adjourned to consider the position.

Reasons for Decision

There were no material matters of factual dispute between the parties.

The application proceeds upon Ground 1 of Schedule 5 of the 1988 Act which states:-

"Not later than the beginning of the tenancy the landlord (or, where there are joint landlords, any of them) gave notice in writing to the tenant that possession might be recovered on this Ground or the First-tier Tribunal is of the opinion that it is reasonable to dispense with the requirement of notice and (in either case)—"

(a) at any time before the beginning of the tenancy, the landlord who is seeking possession or, in the case of joint landlords seeking possession, at least one of them occupied the house as his only or principal home; or
(b) the landlord who is seeking possession or, in the case of joint landlords seeking possession, at least one of them requires the house as his or his spouse's or civil partner's only or principal home, and neither the landlord (or, in the case of joint landlords, any one of them) nor any other person who, as landlord, derived title from the landlord who gave the notice mentioned above acquired the landlord's interest in the tenancy for value."

The Applicant gave written notice to the Respondent by letter dated 9 and signed on 10 May 2006 that possession of the Property might be recovered under Ground 1.

The Applicant and his wife previously occupied the Property with their daughter as their home between 2002 and 2006, prior to the Tenancy in favour of the Respondent.

The Respondent did not oppose the grant of an eviction order. He had taken appropriate steps to find alternative accommodation in the public and private sectors and, for good reason, would prefer to be accommodated by Fife Council appreciating that may mean a period in temporary accommodation in the first instance.

In light of there being no opposition to the grant of an eviction order the Tribunal determined to grant such an order in favour of the Applicant.

Having reached the decision to grant an eviction order the Tribunal carefully considered whether to delay the execution of the eviction order in terms of Rule 16A(d) of the First-tier Tribunal Housing and Property Chamber Rules of Procedure 2017.

The Tribunal concluded that having regard to the Respondent's circumstances and there being no immediate urgency for the Applicant and his wife to move into the Property, it is reasonable to provide the Respondent with an extended period of time to liaise with Fife Council and remove to alternative accommodation. Accordingly, the Tribunal determined that the enforcement of the eviction order should be suspended until 12noon on 23 May 2026.

Decision

The Tribunal granted an eviction order against the Respondent in favour of the Applicant with execution of that order delayed until 12noon on 23 May 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.

Gillian Buchanan

Legal Member/Chair

27 February 2026
Date