



**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/25/0895**

**Re: Property at 126 Mushet Road, Livingston, EH54 7GE (“the Property”)**

**Parties:**

**Castle Rock Edinvar Housing Association Ltd in association with Places for People Scotland, 1 Hay Avenue, Edinburgh, EH16 4RW (“the Applicant”)**

**Miss Chanel Lawrie, 126 Mushet Road, Livingston, EH54 7GE (“the Respondent”)**

**Tribunal Members:**

**Andrew McLaughlin (Legal Member) and Ahsan Khan (Ordinary Member)**

**Decision**

**[1] The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted the Application and made an Eviction Order subject to the provision that it may not be enforced prior to 30 March 2026.**

**Background**

[2] The Applicant seeks an Eviction Order under ground 12 of Schedule 3 of the Act. The Application is accompanied by a copy of the relevant tenancy agreement, the notice to leave with proof of service, the relevant notice under Section 11 of the Homelessness (etc) (Scotland) Act 2003 and a rent statement. There is also evidence of compliance with *The Rent Arrears Pre-Action Requirements (Coronavirus) (Scotland) Regulations 2020*.

[3] There had been a previous Case Management Discussion on 28 August 2025. The Respondent had been present and explained that she intended to pay the monthly rent

and make an additional payment of £100.00 towards the rent arrears. The rent arrears at that time were £5,525.28. In the run up to the adjourned Case Management Discussion, the Applicant submitted representations which confirmed that the arrears had in fact increased to the sum of £8,815.65.

### **The Case Management Discussion**

[4] The Application called again for a Case Management Discussion (“CMD”), by conference call at 10 am on 24 February 2026. The Applicant was represented by Mr Caldwell, solicitor. The Respondent was again personally present. The Respondent accepted that the amended sum now claimed as rent arrears was indeed a true calculation of the sums due. After some discussion, the Respondent explained that she was no longer opposed to the order sought and that she was prepared to leave the Property. She simply asked that the order contain a provision that it may not be enforced until 30 March 2026. The Tribunal noted that Mr Caldwell invited the Tribunal to decline this request on the basis that it would make little practical difference to the realistic timescales for any eviction in any event.

[5] Having heard from parties and having considered the whole facts and circumstances of the case, the Tribunal made the following findings in fact.

### **Findings in Fact**

- 1) *The Applicant let the Property to the Respondent under a Private Residential tenancy within the meaning of the Act;*
- 2) *The Respondent fell into rent arrears and the sum of £8,815.65 is now lawfully due as arrears of rent by the Respondent to the Applicant;*
- 3) *The Applicant has signposted the Respondent to sources of financial support;*
- 4) *The Applicant competently served a notice to leave under ground 12 of Schedule 3 of the Act. Ground 12 was established at the date of service of the notice to leave and remains established as at today’s date;*
- 5) *The Applicant has complied with Section 11 of the Homelessness (etc) (Scotland) Act 2003 and The Rent Arrears Pre-Action Requirements (Coronavirus) (Scotland) Regulations 2020;*
- 6) *The Respondent is now accepting that she should leave the Property*

### **Reasons for Decision**

[6] Having made the above findings in fact, the Tribunal considered that the ground set out in the notice to leave was established. The Tribunal also considered that it was reasonable to make an Eviction Order. The Tribunal therefore granted the Application and made an Eviction Order but did so subject to the provision that it may not be enforced prior to 30 March 2026. The Tribunal considered it appropriate to allow the Respondent a few more days to organise her affairs before vacating the Property.

### **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 McLaughlin**

**Legal Member/Chair**

**24 February 2026**

**Date**