



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/25/3660

Re: Property at 84 Elie Avenue, Livingston, EH54 8EU (“the Property”)

Parties:

Mr Donald Wilson, 24 Burnside Avenue, Armadale, West Lothian, EH48 3RE (“the Applicant”)

Miss Laura Dunn, 84 Elie Avenue, Livingston, EH54 8EU (“the Respondent”)

Tribunal Members:

Gabrielle Miller (Legal Member) and Janine Green (Ordinary Member)

Decision

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. An application was received by the Housing and Property Chamber dated 27th August 2025. The application was submitted under Rule 66 of The First-tier for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 Regulations”). The Applicant is seeking an order for recovery of possession in terms of section 33 of the Act.
2. On 8th January 2026, all parties were written to with the date for the Case Management Discussion (“CMD”) of 23rd February 2026 at 10am by teleconferencing. The letter also requested all written representations be submitted by 29th January 2026.

The Case Management Discussion

3. A CMD was held on 23rd February 2026 at 10am by teleconferencing. The Applicant not present but was represented by Ms Claire Todd, Rent Locally. The Respondent was present and represented herself. The Applicant had her mother, Ms Elaine Todd, present for moral support.
4. Ms Todd said that the Applicant has a chronic health condition for which he is not receiving medication. He has concerns about his health and no longer wishes to be a landlord as he does not feel that he can manage the Property in the way that he was able to do so before. He is in his seventies. He has sold his other properties with only this one left. His wife has stated that should anything happen to the Applicant she would not be looking to be a landlord.
5. Ms Todd said that there were no tenancy issues with the Respondent. An inspection was done recently and the Property was in in a good clean and tidy condition. There are no issues with the rent.
6. The Respondent said that she was not opposed to an order being granted. She has spoken to her local authority who will rehouse her once an order for eviction has been granted. She has been told that she will be rehoused initially into a bed and breakfast then to temporary accommodation. She lives in the Property with her two sons who are aged 5 years old and 13 years old. Her 5 year old son is on the waiting list to be assessed for ADHD. The Respondent said that she is not able to look at another private tenancy due to the cost of renting a private tenancy. The Tribunal discussed with the Respondent whether she would like the Order to be superseded so that she could have more time to allow for her children to attend for the rest of the school term though it was noted that the order would not be dated before 26th March 2026 with a 14 day noticed served after which would take to the Easter school holidays. The Respondent said that she did not intend for her children to change schools even if they are given alternative accommodation outwith that area. She drives and will take them. She wanted the Order to be granted so that she can get the local authority to rehouse her. They will not do this until that point.
7. The Tribunal was content that the Order was not opposed and that there were no issues of reasonableness to grant an order for eviction.

Findings and reason for decision

8. The parties entered into a Short Assured Tenancy on 24th July 2015 until 23rd February 2016. An AT5 was signed by both parties on the same date as the lease. The rent payments of £550 are due on the twenty fourth day of each month.
9. The Applicant now wants to sell the Property. The Applicant does not want to be a landlord anymore. The Property requires to be vacant before it is sold or there will be a reduction in the sale value for the Property. The Applicant has chronic health issues which have lead to his decision to stop being a landlord.

He over retirement age. He has sold his other properties. This is the last property which he has to sell.

10. The Respondent is not opposed to the granting of an order. The Respondent has spoken to her local authority housing department who will not rehouse her until an order for eviction has been granted.
11. There are no issues with the Respondent or the tenancy. The tenancy is well maintained and the rent is up to date.
12. The Respondent and her family have no known vulnerabilities or disabilities with the exception of the Respondent's youngest son who is to be assessed for ADHD.
13. There are no issues of reasonableness that prevent an order from being granted.
14. The Tribunal was satisfied that there were no other issues of reasonableness before them and that the notices had been served in an appropriate manner and that a Short Assured Tenancy had been entered into by the parties. Given this the Tribunal was satisfied all appropriate paperwork had been served the Order for repossession was granted.

Decision

15. The Applicant is entitled to 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

23rd February 2026

Legal Member/Chair

Date