



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 (“The Act”)

Chamber Ref: FTS/HPC/EV/25/4179

Re: Property at Charlesfield Cottage, Holywood, Dumfries, DG2 0SD (“the Property”)

Parties:

Cowhill Trust Estate, C/O Stanley Wright Ltd, The Estate Office, Ulzieside, Sanquhar, Dumfries, DG4 6LA (“the Applicant”)

Mr Gavin James Hunter, Mrs Fiona Jane Hunter, Charlesfield Cottage, Holywood, Dumfries, DG2 0SD (“the Respondents”)

Tribunal Members:

Andrew McLaughlin (Legal Member) and Helen Barclay (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 before 11 July 2026.

Background

[2] The Applicant seeks an Eviction Order under Section 33 of the Act. The relevant notice under Section 33 and a Notice to Quit have been served on the Respondents. The Application was accompanied by a copy of the relevant tenancy agreement; the relevant notice under Section 11 of the *Homelessness (etc) (Scotland) Act 2003*; the notice served under Section 33 of the Act; the relevant notice to quit and proof of service of both notices.

The Case Management Discussion

[3] The Application called for a Case Management Discussion (“CMD”) by conference call at 2pm on 11 May 2026. The Applicant was represented by Ms Kerr of Stanley Wright Ltd. Mr Hunter was present on behalf of both Respondents. He explained that the Respondents were not opposed to the Application but would like some more time to allow the family to find alternative accommodation. They have a son with additional support needs and they would prefer not to have to change school during term time. Ms Kerr was understanding of the suggestion although naturally keen to ensure that the order was in fact granted.

[4] Having heard from parties, the Tribunal made the following findings in fact:

Findings in Fact

- 1. The parties entered into a tenancy agreement whereby the Applicant let the Property to the Respondents on a Short-Assured Tenancy Agreement within the meaning of the Act;*
- 2. The Applicant competently served a notice under Section 33 of the Act and a notice to quit which competently ended the contractual tenancy agreement between the parties;*
- 3. The Applicant has complied with Section 11 of the Homelessness (etc) (Scotland) Act 2003;*
- 4. The Respondents are prepared to vacate the Property but would like some more time to organise their departure.*

Reasons for Decision

[5] Having made the above findings in fact, the Tribunal considered that the tenancy had been ended under Section 33 of the Act. It was also reasonable to grant the Eviction Order. The Tribunal therefore granted the Application subject to the provision that the order may not be enforced before 11 July 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.

A. McLaughlin

Legal Member/Chair

Date: 11th May 2026