

Housing and Property Chamber

First-tier Tribunal for Scotland



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 16 of the Housing (Scotland) Act 2014 and Section 18 of the Housing (Scotland) Act 1988.

Chamber Ref: FTS/HPC/EV/25/5438

Re: Property at Sandersdean, Colstoun, Haddington, EH41 4PB (“the Property”)

Parties:

Mr Ludovic Broun-Lindsay, Colstoun House, Haddington, EH41 4PA (“the Applicant”) and

Gillespie Macandrew LLP, 5 Atholl Crescent Edinburgh EH3 8EJ (“the Applicant’s Representative”) and

Mr Allan Riding and Mrs Fiona Riding, Sandersdean, Colstoun, Haddington, EH41 4PB (“the Respondents”) and

Haddington Citizens Advice Bureau, 46 Court St, Haddington EH41 3NP (“the Respondents’ Representative”)

Tribunal Members:

G McWilliams- Legal Member

T Cain - Ordinary Member

Decision:

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to grant the Application.

Background and Case Management Discussion on 30th June 2026

1. This is an Application brought in terms of Rule 66 (Application for order for possession upon termination of a short-assured tenancy) of The First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure (“the 2017 Rules”).
2. The Applicant’s Representative had provided the Tribunal, in the Application, with copies of the parties’ Short Assured Tenancy Agreement, Form AT5, Notice to Quit (“NTQ”) and Sections 33 and 11 Notices with relevant Executions of Service. All of these documents and forms had been correctly

and validly prepared in terms of the provisions of the Housing (Scotland) Act 1988 ("the 1988 Act"), and the procedures set out in the Act had been correctly followed and applied.

3. Sheriff Officers had served copies of the Application papers, Guidance Notes and notification of the CMD on the Respondents, Mr and Mrs Riding, on 2nd June 2026.
4. A Case Management Discussion ("CMD") proceeded remotely by telephone conference call at 2pm on 30th June 2026. The Applicant's Representative's Mr C McConnell, the Respondent Mrs Riding and the Respondents' Representative's Ms J Murphy attended.
5. Mr McConnell referred to the Application papers, which included details of the Applicant's personal circumstances, and stated that the Applicant wishes to recover possession of the Property in order to sell it. After hearing submissions from Ms Murphy and Mrs Riding, Mr McConnell acknowledged that, whilst he did not have instructions from the Applicant regarding an agreed grant of an eviction order with a deferred enforcement date, it would be fair for the Tribunal to consider proceeding to grant such an order.
6. Ms Murphy stated that the Respondents do not oppose the grant of an eviction order but seek that enforcement of the order is deferred for 3 months to allow sufficient time for them, and their adult daughter who resides with them, to obtain suitable, alternative accommodation.
7. Mrs Riding stated that she, her husband Mr Riding and their daughter all have health conditions. She said that they have applied to East Lothian Council for a tenancy. Mrs Riding said that she and her husband, and family, have resided in the Property for almost 15 years and that their rent payments are up to date. She stated that she, her husband and their daughter would like to be given sufficient time to obtain another tenancy.

Findings in Fact and Law and Statement of Reasons

7. In terms of Section 33 of the 1988 Act, the Tribunal shall make an order for possession of a house let on a tenancy if:

- (a) the short assured tenancy has reached its end;
- (b) tacit relocation is not operating;
- (c) no further contractual tenancy (whether a short assured tenancy or not) is for the time being in existence; and
- (d) the landlord has given to the tenant notice stating that he requires possession of the house.

8. The Tribunal considered all of the available documentary evidence and the submissions of Mr McConnell, Ms Murphy and Mrs Riding. The Tribunal found in fact that all of the documentation regarding termination of the parties' tenancy agreement had been validly served on the Respondents, who have resided in the Property for almost 15 years. They found that the Respondents,

with their adult daughter, all suffer from medical problems and are actively seeking to move out of the Property. Having made such findings in fact the Tribunal found in law that the parties' tenancy agreement has been lawfully brought to an end in terms of the relevant legislation and that it is reasonable to grant an eviction order. The Tribunal also decided that it is reasonable to grant an eviction order with a deferred enforcement date of 2nd November 2026. In reaching the latter decision the Tribunal placed reliance on the Respondents and their daughter's health conditions, their lengthy period of residence in the Property, with rent payments being up to date, and the Tribunal's knowledge that it may take some time for them to obtain another tenancy. The Tribunal consider that it is fair to allow them an extended period to do so.

Decision

9. The Tribunal granted an order for Mr Ludovic Broun-Lindsay's recovery of possession of the Property, at Sandersdean, Colstoun, Haddington, EH41 4PB, as sought in the Application, with a deferred enforcement date of 2nd November 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.

■

G McWilliams

30th June 2026

Legal Member

Date