

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/25/5314

Re: Property at 22 Finavon Terrace, Fintry, Dundee, DD4 9ED (“the Property”)

Parties:

Mrs Edna McGeoghie, 34 Forthill Drive, Broughty Ferry, Dundee, DD5 3EA (“the Applicant”) and

Mr David Mann, 45 Strathyre Avenue, Broughty Ferry, Dundee, DD5 3GN (“the Applicant’s Representative”) and

Mrs Lisa Marie Adams, 22 Finavon Terrace, Fintry, Dundee, DD4 9ED (“the First Respondent”) and

Mr Gregor Adams, 4 Fettercairn Drive, Dundee, DD5 2PZ (“the Second Respondent”)

Tribunal Members:

G McWilliams- Legal Member

E Munroe - 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 13th July 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, Mrs Adams and Mr Adams, on 9th June 2026.
4. A Case Management Discussion (“CMD”) proceeded remotely by telephone conference call at 2pm on 13th July 2026. The Applicant Mrs McGeoghie’s Representative Mr Mann and both Respondents, Mrs Adams and Mr Adams, attended.
5. Mr Mann referred to the Application papers, and his recent email to the Tribunal’s office, dated 5th July 2026, in which he stated that Mrs McGeoghie’s landlord wants to recover possession of the property that she currently resides in. He said that her landlord has now given her formal notice that they intend to sell that property. After hearing a submission from Mrs Adams and comments from the Tribunal, Mr Mann agreed that it would be fair for the Tribunal to grant an eviction order with a deferred enforcement date of 31st August 2026.
6. Mrs Adams stated that she, and her 14 years old daughter, plan to move out of the Property and have applied to Dundee City Council and Angus Housing Association for an alternative tenancy. After hearing a submission from Mr Mann and comments from the Tribunal, Mrs Adams agreed that it would be fair for the Tribunal to grant an eviction order with a deferred enforcement date of 31st August 2026.
7. Mr Adams stated that he has been residing at another property since he separated from Mrs Adams in March 2025.

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 Mann, Mrs Adams and Mr Adams. The Tribunal found in fact that all of the documentation regarding termination of the parties’ tenancy agreement had been validly served on Mrs Adams and Mr Adams. They found in fact that Mr Adams moved out of the Property on or around March 2025. They found that Mrs Adams, and her teenage daughter, 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 31st August 2026. In reaching the latter decision the Tribunal placed particular reliance on the Tribunal's own knowledge that it may take time for Mrs Adams and her daughter 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 Mrs Edna McGeoghie's recovery of possession of the Property, at 22 Finavon Terrace, Fintry, Dundee, DD4 9ED, as sought in the Application, with a deferred enforcement date of 31st August 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

G McWilliams

Legal Member

13th July 2026

Date