



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 51 of the Private Housing
(Tenancies) (Scotland) Act 2016**

Chamber Ref: FTS/HPC/EV/25/3300

Re: Property at 4 Dobson's Walk, Haddington, EH41 4RU (“the Property”)

Parties:

Mrs Wendy Edmond, 27 Rowanhill Park, Prestonpans, EH32 0ST (“the Applicant”)

Mr Fintan Alongi, Miss Caitlin Douglas, 2 Merryhatton Cottages, Haddington, EH41 3SW (“the Respondent”)

Tribunal Members:

Mary-Claire Kelly (Legal Member) and Frances Wood (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application should be dismissed as the respondents moved out of the property on 13 July 2025 and the applicant has obtained vacant possession of the property.

Background

1. By application dated 1 August 2025 the applicant seeks an order for eviction relying on ground 1 (Landlord intends to sell the property) in schedule 3 of the Private Housing (Tenancies)(Scotland) Act 2016.
2. A case management discussion (“cmd”) took place at 2pm on 11 March 2026 via teleconference. Neither respondent was present nor represented. An order for eviction was granted in favour of the applicant. The Tribunal’s written statement of decision was issued to the parties by email on 17 March 2026.

On the same day the second respondent, emailed the Tribunal requesting that the decision be recalled in terms of rule 30.

3. After considering written submissions from both parties the Tribunal granted the recall request, setting out its reasons in a statement of reasons dated 11 March 2026.
4. An evidential hearing was assigned for 15 July 2026. A Direction was issued to parties setting out information and evidence parties required to submit in advance of the hearing.
5. On 6 July 2026 the applicant submitted written submissions. The applicant submitted various documents including *inter alia*:
 - Copy tenancy agreement
 - Notices to leave with proof of service
 - Notice in terms of section 11 of the Homelessness Etc. (Scotland) Act 2003
 - Affidavit sworn by the applicant
 - Marketing proposal from Coulters Estate Agents
 - Correspondence between the letting agents and respondents regarding access
 - Rent statement
6. On 8 July 2026 the respondents submitted written submissions and documents including medical evidence and screenshots of savings accounts.

Hearing – videoconference – 15 July 2026

7. The applicant attended with Mr Priestly, Edinburgh Letting Centre. Mr Alongi attended on behalf of both respondents.
8. Mr Alongi confirmed that, as set out in the respondents' written submissions, they no longer sought to oppose the eviction proceedings. He stated that the respondents had moved out of the property on 13 July 2026. He stated that they had removed all their personal belongings from the property. He stated

that they now resided with family members. Mr Alongi confirmed that the keys to the property had been returned by posting through the letterbox and this was confirmed by Mr Priestly.

9. Ms Edmond stated that she had collected the keys from the letting agents on 14 July 2026. She had entered the property with Mr Priestly on 14 July 2026. Ms Edmond stated that the locks to the property had subsequently been changed. She stated that her intention remained to sell the property as part of her retirement planning and that she was planning to reduce her working hours because of her own ill health. She stated that some decoration works would be carried out to prepare the property for sale.
10. The Tribunal discussed that the respondents had raised various issues in their written submissions relating to the condition of the property which were not the subject of the present application.
11. The Tribunal discussed whether an eviction order was required. As the respondents had both left the property, terminating the tenancy agreement and returning the keys, it was discussed that vacant possession of the property had already been obtained by the applicant.

Findings in fact

12. Parties entered into a private residential tenancy agreement with a commencement date of 14 July 2023.
13. Valid notices to leave were served on the respondents on 13 March 2025.
14. At the hearing on 15 July 2026 the respondents did not seek to oppose an order for eviction being granted.
15. The respondents moved out of the property on 13 July 2026. They removed all personal possessions from the property on that date and returned the keys.

16. The applicant took vacant possession of the property on 14 July 2026 and changed the locks to the property.

17. The tenancy agreement terminated on 13 July 2026.

18. The respondents have no right or title to occupy the property.

Reasons for the decision

19. The Tribunal took into account that the respondents had moved out of the property with their personal possessions and returned the keys on 13 July 2026. The tenancy agreement has been terminated. The respondents no longer have any right or title to occupy the property. The Tribunal took into account that the applicant had gained vacant possession of the property and changed the locks on 14 July 2026. In the circumstances the Tribunal determined that as the tenancy had ended and vacant possession had been obtained by the applicant, it was not necessary to grant an order for eviction.

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.

M-C Kelly

Legal Member/Chair

15 July 2026_____
Date