

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)**

Chamber Ref: FTS/HPC/EV/25/2531

**Re: Property at Loatyhassle Langleas Cottage, Oakley, Dunfermline, KY12 8HA
("the Property")**

Parties:

Mr Ian Broome, Langleas Farm, Dunfermline, KY12 8HA ("the Applicant")

**Moir Brown, Loatyhassle Langleas Cottage, Oakley, Dunfermline, KY12 8HA
("the Respondent")**

Tribunal Members:

Virgil Crawford (Legal Member) and Eileen Shand (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that

BACKGROUND

1. By lease dated 4 May 2019 the Applicant let the Property to the Respondent.
2. The start date of the tenancy was 8 May 2019.
3. A Notice to Leave dated 7 March 2025 was served upon the Respondent. The Notice to Leave intimated that the Applicant sought recovery of possession as a member of her family – her son – wished to occupy the Property.
4. An Application dated 11 June 2025 was presented to the Tribunal seeking an order for eviction.
5. A Notice in terms of s11 of the Homelessness Etc (Scotland) Act 2003 was intimated to the Local Authority.

6. An Affidavit from the Applicant's son was submitted to the Tribunal, the Affidavit confirming that he intended to reside in the Property as his principal place of residence, that being due to him securing employment in close proximity to the Property.
7. The Respondent instructed Solicitors. Those Solicitors provided written representations to the Tribunal prior to the Case Management Discussion. The written representations were detailed, providing information in relation to the Respondent's age, who resided at the Property with her (her 60 year old son), outlining a difficult history of communication and engagement between the Applicant, his family and the Respondent but ultimately stating that the Respondent was wishing to vacate the premises, had been actively seeking alternative accommodation but was requesting that a deferred date of enforcement of any eviction order be granted to afford her sufficient time to obtain suitable alternative accommodation for herself and her adult son.

THE CASE MANAGEMENT DISCUSSION

8. The Applicant did not participate personally in the Case Management Discussion but was represented by Mr S Dalziell of Abbey Forth, Dunfermline. The Respondent did not participate personally in the Case Management Discussion but was represented by Miss S McKay of Messrs W & AS Bruce, Solicitor, Dunfermline.
9. Mr Dalziell confirmed the Applicant was seeking an order for eviction on the basis the Applicants son wished to occupy the Property as his principal place of residence. Having had sight of the submissions for the Respondent, he confirmed that the Applicant did not oppose a deferred date of enforcement of any eviction order which may be granted.
10. On behalf of the Respondent, Miss McKay confirmed that there was no objection in principle to an eviction order being granted. While detailed submissions had been provided to the Tribunal, it was confirmed that the Respondent wishes to vacate the premises, has actively been looking for alternative accommodation – proof of her efforts to obtain alternative accommodation were provided – and would not oppose an eviction order provided any date of enforcement was deferred for approximately four months to ensure he had ample time to secure alternative accommodation.
11. Following discussion with the Parties' representatives, an enforcement date of 5 June 2026 was considered appropriate.
12. In the circumstances, having regard to the agreement of the Parties, the Tribunal granted an eviction order, the date of enforcement, if necessary, being 5 June 2026.

DECISION

The Tribunal granted an order against the Respondent for eviction of the Respondent from the Property under section 51 of the Private Housing (Tenancies) (Scotland) Act 2016, under ground 5 of Schedule 3 to said Act.

Order not to be executed prior to 12 noon on 5th June 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.

Virgil Crawford

9th February 2026

Legal Member/Chair

Date