

**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**

Chamber Ref: FTS/HPC/EV/25/2217

Re: Property at 21L Links Road, Prestwick, Ayrshire, KA9 1QG (“the Property”)

Parties:

Ms Daihong Dai, 238 Prestwick Road, Ayr, KA8 8NW (“the Applicant”)

**Mr Bernard Farkin, 21L Links Road, Prestwick, Ayrshire, KA9 1QG (“the
Respondent”)**

Tribunal Members:

Andrew Upton (Legal Member) and Sandra Brydon (Ordinary Member)

Decision

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that an eviction order should be granted.**

Statement of Reasons

1. This Application was scheduled to call for a Hearing on 17 August 2026. In this Application the Applicant seeks an eviction order under section 33 of the Housing (Scotland) Act 1988. Notice to quit and notice in terms of section 33 of the Act had been given. The questions for the Tribunal at the Hearing were going to be (i) whether the Applicant gave notice to the Respondent in form AT5 prior to the commencement of the tenancy, and (ii) If so, whether it is reasonable in all of the circumstances to grant an eviction order.
2. By emails dated 14 August 2026, the representatives of both parties wrote to the Tribunal to advise the Tribunal that parties had agreed terms of settlement and invited the Tribunal to grant the eviction order but supersede that order until 17 November 2026.

3. The Tribunal considered that the Respondent had withdrawn his opposition to the Application. In particular, the Tribunal noted that the Respondent no longer wished to put the Applicant to proof on whether a form AT5 had been served prior to the commencement of the tenancy and, separately, no longer wished to argue that it was not reasonable to grant the eviction order. In the circumstances, the Tribunal granted the eviction order.

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.

Andrew Upton

17 August 2026

Legal Member/Chair

Date