

**Housing and Property Chamber**  
First-tier Tribunal for Scotland

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**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/26/0030**

**Re: Property at 73 Ravenswood Rise, Dedridge, Livingston, EH54 6PF (“the Property”)**

**Parties:**

**Mr Robert Russell, 6 Kenilworth Rise, Dedridge, Livingston, EH54 6JJ (“the Applicant”)**

**Julia Madden, Mr Raymond Madden, 73 Ravenswood Rise, Dedridge, Livingston, EH54 6PF; Simpson Hotel, 69 Whitburn Road, Bathgate, EH48 1HE (“the Respondent”)**

**Tribunal Members:**

**Richard Mill (Legal Member) and Gerard Darroch (Ordinary Member)**

**Decision**

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

**Introduction**

This is an eviction application under Rule 109 and Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016. The CMD took place by teleconference on 17 August 2026 at 2.00 pm. Both parties joined the hearing and represented their own interests.

**Findings and Reasons**

The applicant is Mr Robert Russell who is the heritable proprietor and registered landlord. The respondents are Mr Raymond Madden and Mrs Julia Madden who are the tenants. The parties entered into a private residential tenancy in respect of the property which commenced on 1 July 2023.

The eviction is based on ground 5 of schedule 3 to the 2016 Act. It is an eviction ground where a member of the landlord's family intends to live in the let property. The notice period was one of 84 days. The notice to leave relied upon in this case is dated 9 October 2026 and stipulates that the earliest an application be submitted to the tribunal would be 1 January 2026. The notice was served upon the respondents by email on 9 October 2026. Sufficient statutory notice was given. The applicant's daughter has set out in writing an intention to take up residence of the property. The tribunal was satisfied based on the unchallenged credible and reliable evidence produced that it is the applicant's daughter's genuine intention to live in the let property.

The tribunal proceeded to consider the issue of reasonableness on the making of an eviction order.

Neither respondent offered opposition to the eviction order being granted. The second respondent left the property in February 2026. The first respondent remains but wishes to move on and has spoken to the Council regarding alternative accommodation. A Section 11 Homelessness Notice has been issued to the local authority who has statutory obligations. The tribunal was satisfied that that the respondents will be provided with alternate accommodation.

Weighing up the respective circumstances of the parties, the tribunal concluded that it was reasonable to grant the eviction order. The tribunal extended the time period for implementation from 30 days to 6 weeks to fairly provide the first respondent with additional time to arrange the planned move.

### **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.**

# Richard Mill

17 August 2026

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Legal Member/Chair

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Date