



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/26/1467

Re: Property at 54 Arthur View Crescent, Danderhall, Dalkeith, EH22 1NG (“the Property”)

Parties:

Mrs Gillian Sandison, Mr Steven Sandison, 5 Maulsford Avenue, Danderhall, Dalkeith, EH22 1PJ (“the Applicant”)

Mrs Ashley Kvasiliene, Mr Gediminus Kvasilius, 54 Arthur View Crescent, Danderhall, Dalkeith, EH22 1NG; 54 Arthur View Crescent, Danderhall, Dalkeith, EH22 1NG (“the Respondent”)

Tribunal Members:

Julie McKinlay (Legal Member) and Sandra Brydon (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant is entitled to the order sought for recovery of possession of the Property.

Background

1. The Applicant submitted an application under Rule 66 of the Housing and Property Chamber Procedure Regulations 2017 (“the Rules”) for an order to evict the Respondents from the property.
2. A Convenor of the Housing and Property Chamber (HPC) having delegated power for the purpose referred the application under Rule 9 of the Rules of a case management discussion (“CMD”).
3. A CMD was set to take place on 18 September 2026, and appropriate intimation of the hearing was given to all parties.

The Case Management Discussion

4. The CMD took place by conference call. The Applicant was represented by Mr Neil Reid. The Respondents did not attend. The Tribunal was satisfied that the Respondents had been given reasonable notice of the date and time of the CMD. They had sent an email to the Tribunal dated 9 September 2026 which made clear that they were aware of the date of the CMD. The Tribunal decided to proceed with the CMD in their absence. The Tribunal explained the purpose of the CMD.
5. The email from the Respondents made clear that they did not oppose the granting of the eviction order. They explained that when they moved into the Property in May 2014, they had one child of four months old. They now have three children, and the eldest has disabilities which impact significantly on his daily life. Mr Kvasilius as also suffered ill health. The Property is no longer fit for the families needs as a result. The Respondents wish the eviciton order to be granted as soon as possible as this will allow them to be place in suitable property by Midlothian Housing Association.
6. The Applicant invited the Tribunal to make the eviction order as soon as possible and to consider waiving the appeal period.

Findings in Fact

7. The Applicant is the landlord of the Property and the owner.
8. The tenancy is a short, assured tenancy which commenced on 29 November 2016. The Tenancy was for a period of one year. The tenancy has continued on a month-to-month basis following the expiry of the fixed term.
9. The Applicant served a Notice to Quit and Notice in terms of section 33 of the Housing (Scotland) Act 1988 on the Respondents by special delivery post on 16 January 2026 giving a period of two months' notice to quit.
10. On 31 March 2026, the Applicant applied to the Tribunal for an order for possession based on the operation of section 33.
11. The short assured tenancy had reached its ish. Tacit relocation was not operating. No further contractual tenancy was operating.

Reason for Decision

12. The Tribunal was satisfied that it could make relevant findings in fact to reach a decision following the CMD and that to do so would not be contrary to the interest of the parties in this case.

13. The Tribunal proceeded on the basis of the documents lodged and the information provided at the CMD. The Applicant served a notice to quit and a notice in terms of section 33 of the Housing (Scotland) Act 1988. The conditions of section 33 had been satisfied in respect that the tenancy had reached its end, tacit relocation was not operating, and no further contractual tenancy was in operation. The Respondents were clear that they did not consider the Property to be suitable for their needs. They were keen for the order for possession to be granted to allow them to be rehoused by the housing association. The Tribunal was persuaded that it was reasonable to grant an order for eviction.
14. The Applicant requested in light of the terms of the email from the Respondent that the order be granted prior to the expiry of the notice period. The Tribunal did not consider that they had the power to do so and did not in any event consider it was appropriate in the absence of the Respondents from the CMD.

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.

J McKinlay

Legal Member/Chair

21st September 2026

Date