



**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/26/0969

Re: Property at Flat 4, 5 Timberbush, Edinburgh, EH6 6QR (“the Property”)

Parties:

Ms Caroline Duguid, 14 Avon Grove, Edinburgh, EH4 6RF (“the Applicant”)

**Miss Milita Stanaityte, Flat 4, 5 Timberbush, Edinburgh, EH6 6QR (“the
Respondent”)**

Tribunal Members:

Ms H Forbes (Legal Member) and Mr G Darroch (Ordinary Member)

Decision

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

Background

1. This is a Rule 66 application whereby the Applicant is seeking an order for possession in terms of section 33 of the Housing (Scotland) Act 1988 (“the Act”). The Applicant representative lodged a short assured tenancy agreement commencing on 11th November 2015 to 30th April 2016 and monthly thereafter, Form AT5, section 11 notice with evidence of service, and notice to quit and section 33 notice with evidence of service.
2. The Application and notification of a Case Management Discussion were served on the Respondent by Sheriff Officer on 31st July 2026.
3. By email dated 20th August 2026, the Applicant representative lodged an affidavit from the Applicant, stating that the Applicant was seeking to sell the Property for financial reasons..
4. By email dated 2nd September 2026, the Respondent representative lodged written submissions on behalf of the Respondent, stating that the Respondent was not opposing the order and was seeking a delay in the date of enforcement of the order.

Case Management Discussion

5. A Case Management Discussion ("CMD") took place by telephone conference on 6th November 2025. The Applicant was not in attendance and was represented by Mr Ackerley, Solicitor. The Respondent was not in attendance and was represented by Ms Bennet, Housing and Money Advisor, CHAI.
6. Ms Ackerley said the Applicant is seeking an order for possession, as they wish to sell the Property. It has become increasingly difficult to cover the costs related to being a landlord, and the Applicant's teenage family are likely to require financial support in the near future.
7. Ms Bennet confirmed that the Respondent is not opposing the order. The Respondent has been in touch with the local authority, and has been advised that they will not take any action until an order is granted. The Respondent is currently unfit for work. There are no issues with paying the rent. The Respondent lives alone at the Property. The Respondent is seeking a delay in execution of the order for a couple of months, possibly to 9th December 2026. This had been discussed by the representatives prior to the CMD.
8. Following further discussion, it was agreed that a delay to 9th January 2027 would be appropriate to avoid any issues over the holiday period.

Findings in Fact and Law

9.
 - (i) Parties entered into a short assured tenancy agreement with the Applicant commencing on 11th November 2015 to 30th April 2016 and monthly thereafter.
 - (ii) Notice to Quit and Section 33 Notice were served on the Respondent.
 - (iii) The short assured tenancy has reached its ish date.
 - (iv) The contractual tenancy terminated on 31st January 2026.
 - (v) Tacit relocation is not in operation.
 - (vi) The Applicant has given the Respondent notice that they require possession of the Property.
 - (vii) It is reasonable to grant the order for possession.

Reasons for Decision

10. Section 33 of the Act provides that the Tribunal may make an order for possession if satisfied that the short assured tenancy has reached its finish, tacit relocation is not operating, the landlord has given notice to the tenant that they require possession, and it is reasonable to make the order.
11. The contractual tenancy has been terminated and tacit relocation is not in operation. The Applicant has given the Respondent notice that they require possession of the Property.
12. In considering whether it was reasonable to grant the eviction order, the Tribunal considered the circumstances of both parties.
13. The Applicant requires to sell the Property for financial reasons.
14. The Respondent is not opposing the order and is seeking social housing. The Tribunal accepted the local authority has a duty to provide accommodation to the Respondent if they are deemed to be homeless, which is the likely effect of the order for possession being granted.
15. In all the circumstances, the Tribunal considered it was reasonable to grant the order sought, and to delay execution of the order to 9th January 2027.

Decision

16. An order for possession of the Property is granted under section 33 of the Housing (Scotland) Act 1988. The order is not to be executed prior to 12 noon on 9th January 2027.

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.

Legal Member/Chair

9th September 2026
Date