

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) under Section 16 of the Housing (Scotland) Act 2014 and Section 18 of the Housing (Scotland) Act 1988.

Chamber Ref: FTS/HPC/EV/26/0738

Re: Property at 25 Garrier Road, Irvine, KA11 3AT (“the Property”)

Parties:

Mr Alan Wallace, Grantville, Drumnadrochit, Inverness, IV63 6TX (“the Applicant”) and

Wallace Hodge & Co Solicitors, 6 Burns Statue Square, Ayr KA7 1UP (“the Applicant’s Representative”) and

Miss Michelle Scott, 25 Garrier Road, Irvine, KA11 3AT (“the Respondent”) and

CHAP, Michael Lynch Centre for Enterprise, 71 Princes Street, Ardrossan, KA22 8DG (“the Respondent’s Representative”)

Tribunal Members:

G McWilliams- Legal Member

E Williams - Ordinary Member

Decision:

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to grant the Application.

Background and Case Management Discussion on 21st September 2026

1. This is an Application brought in terms of Rule 66 (Application for order for possession upon termination of a short-assured tenancy) of The First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure (“the 2017 Rules”).
2. The Applicant’s Representative had provided the Tribunal with copies of the parties’ Short Assured Tenancy Agreement, Form AT5, Notice to Quit (“NTQ”) and Sections 33 and 11 Notices with relevant Executions of Service. All of these documents and forms had been correctly and validly prepared in terms

of the provisions of the Housing (Scotland) Act 1988 ("the 1988 Act"), and the procedures set out in the Act had been correctly followed and applied.

3. A Case Management Discussion ("CMD") proceeded remotely by telephone conference call at 10am on 21st September 2026. The Applicant's Representative's Mr S Ferry and Miss R McMillan as well as the Respondent's Representative's Ms L Mathieson attended.
4. Mr Ferry referred to the Application papers and the emails which Ms Mathieson had recently sent to the Tribunal's office on behalf of Miss Scott. He reiterated that Mr Wallace wishes to sell the Property. Mr Ferry said that Mr Wallace considers Miss Scott to have been a very good tenant and has proceeded with this Application only because it is no longer financially viable for him to let the Property. He stated that Mr Wallace would be agreeable to the grant of an eviction order with a deferred enforcement date of 1st February 2027. Ms Mathieson stated Miss Scott is agreeable to the grant of an eviction order with a deferred enforcement date of 1st February 2027.

Findings in Fact and Law and Statement of Reasons

7. In terms of Section 33 of the 1988 Act, the Tribunal shall make an order for possession of a house let on a tenancy if:
 - (a) the short assured tenancy has reached its ish;
 - (b) tacit relocation is not operating;
 - (c) no further contractual tenancy (whether a short assured tenancy or not) is for the time being in existence; and
 - (d) the landlord has given to the tenant notice stating that he requires possession of the house.
8. The Tribunal considered all of the available documentary evidence and the submissions of Mr Ferry and Ms Mathieson. The Tribunal found in fact that all of the documentation regarding termination of the parties' tenancy agreement had been validly served on Miss Scott. They found that Miss Scott has been a very good tenant and she is actively seeking to move out of the Property. Having made such findings in fact the Tribunal found in law that the parties' tenancy agreement has been lawfully brought to an end in terms of the relevant legislation and that it is reasonable to grant an eviction order. The Tribunal also decided that it is reasonable to grant an eviction order with a deferred enforcement date of 1st February 2027. In reaching the latter decision the Tribunal placed reliance on the submissions of Mr Ferry and Ms Mathieson, Miss Scott's record as a very good tenant of the Property, and the Tribunal's knowledge that it may take some time for Miss Scott to obtain another tenancy. The Tribunal consider that it is fair to give her an extended period to do so.

Decision

9. The Tribunal granted an order for Alan Wallace's recovery of possession of the Property at 25 Garrier Road, Irvine, KA11 3AT, as sought in the Application, with a deferred enforcement date of 1st February 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.

G McWilliams

21st September 2026

Legal Member

Date