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 33 of the Housing (Scotland) Act 1988 ("the Act")

Chamber Ref: FTS/HPC/EV/25/3764

Re: Property at 40B Park Road, Brechin, DD9 7AP ("the Property")

The Parties:

Mrs Gael Anne Kidd, Residencial Azahares de Alhaurin, 61 Ch, PO, 29120 - Alhaurin El Grander, Malaga, Spain ("the Applicant")

Miss Susan Aileen Adams, Mr Keith Alexander Porter, 40B Park Road, Brechin, DD9 7AP ("the Respondents")

Tribunal Members:

Steven Quither (Legal Member) and Greig Adams (Surveyor Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal"), with agreement of the parties, UNANIMOUSLY determined to grant the order for possession sought by the Applicant but for execution not to take place before 18 June 2027, unless otherwise agreed and implemented by the parties.

BACKGROUND

1. This is an application, dated and lodged on 3 September 2025, to bring to an end a Short Assured Tenancy (SAT") between the parties commencing 6 January 2017 for 1 year and continuing thereafter by tacit relocation on a monthly basis, at a rent of £850 per month.
2. The application was based on Section 33 of the Act, providing a route to repossession so long as the Tribunal is satisfied not only that the formal requirements contained therein have been complied with but also that it is reasonable to make the order for repossession.

3. The supporting documentation for this application confirmed that appropriate notice periods had been given in respect of the s33 Notice and Notice to Quit and also that the appropriate local authority had been notified of the application in terms of s11 of the Homelessness etc. (Scotland) Act 2003.
4. Said documentation also confirmed the Applicant was seeking to recover possession of the Property to sell it as part of settlement of matrimonial proceedings and also that as at the date of the application there were rent arrears of just under £3191.
5. After a Tribunal request for further information dated 19 September 2025 was answered by the Applicant's solicitors, J Myles & Co, Dundee ("JM") on the same date, the application was accepted by Notice of Acceptance of 21 October 2025, by virtue of which a Case Management Discussion ("CMD") was duly fixed for 2 April 2026.
6. The Tribunal subsequently received sheriff officer confirmation of letterbox service of the application on both Respondents on 17 February 2026.
7. By email of 28 March 2026 and in response to an invitation from the Tribunal, the Respondents lodged written submissions.

CASE MANAGEMENT DISCUSSION

8. Said CMD duly took place by teleconference on 2 April 2026, with the Applicant represented by Joseph Myles, solicitor from JM and the Respondents also in attendance.
9. In its Note from said CMD, the Tribunal detailed both parties' positions on the reasonableness of the application and matters about which the Tribunal would require to hear evidence at a Hearing, which it ordered to be fixed.
10. For further guidance of parties, the Tribunal issued a Notice of Direction for said Hearing, which was duly fixed for 3 August 2026.

HEARING ON 3 AUGUST 2026

11. Prior to said Hearing, the Respondents lodged further information and Written Submissions on 20, 21 and 31 July and JM did likewise for the Applicants on 30 July, all 2026.
12. In the early hours of 3 August 2026, the Second Respondent sought a postponement of the Hearing scheduled for later that day due to the First Respondent being unwell, which was duly allowed by the Tribunal, which

subsequently issued a further Notice of Direction for further information regarding the reason for the postponement request.

13. A further Hearing was duly fixed for 19 October 2026.
14. Prior to same, the Respondents lodged further information in response to said Direction on 1 September and with additional information on 18 October, both 2026.

HEARING ON 19 OCTOBER 2026

15. The Hearing took place by videoconference and started shortly after 10am, with the Applicant and Mr Myles from JM and both Respondents attending, as well as a witness for the Applicant, Charlotte MacPherson, from Wardhaugh Property, Forfar.
16. The parties were agreed that there was no rent outstanding and the sole issue for the Tribunal was whether it was reasonable to grant the order for eviction.
17. Mr Myles led evidence from the Applicant about:--
    a) Her matrimonial status and the circumstances in which she now sought to bring the Respondents' tenancy to an end;
    b) Her present financial circumstances and income/expenditure;
    c) Her future plans for the Property and herself;
    d) Circumstances in which Wardhaugh took over management of the Property;
    e) Her registration as a landlord; and
    f) Why the tenancy was created as a SAT.
18. The Respondents did not ask any questions of the Applicant'
19. Mr Myles then led evidence from Charlotte MacPherson about:--
    a) Wardhaugh's property management portfolio and duties;
    b) Their management of the Property in particular; and
    c) Their management of rent increases for the Property.
20. The Second Respondent then asked Ms MacPherson about:--
    a) A roof repair at the Property in October 2023;
    b) An incident when the Respondents' son climbed onto the oven door, leading to the oven toppling out of its housing;
    c) Wardhaugh's system for dealing with repairs;
    d) Rent increases under a SAT; and
    e) Wardhaugh's knowledge of the Applicant's landlord registration.

21. Mr Myles then asked Ms MacPherson further questions about:--
    a) How the Applicant dealt with Wardhaugh regarding repairs being carried out at the Property;
    b) Her lack of knowledge about the incident with the oven (the Applicant added input about how the oven was the same as when she moved into the Property and the First Respondent expressed a view as to how it should have been fitted, as opposed to how it was fitted); and
    c) The SAT provision for any rent increase.
22. Mr Myles then advised he did not seek to lead any further evidence.
23. The First Respondent then addressed the Tribunal by reading out a submission she had prepared and lodged. In summary, this addressed in some detail:--
    a) Her reasons for opposing the application;
    b) Her son's particular needs and how these impact on the family accommodation;
    c) Efforts made to obtain local authority accommodation;
    d) The Applicant's reasons for seeking to bring the tenancy to an end; and
    e) Potential consequences of the order being granted;
24. The Second Respondent addressed the Tribunal in a similar manner and in summary addressed:--
    a) Rent arrears;
    b) Repairs needed at the Property;
    c) The Applicant's landlord registration; and
    d) Tenancy type and rent increases;
25. Mr Myles then questioned the Respondents about their submissions, in particular the provisions of the SAT relating to rent increases and their efforts to obtain alternative accommodation. In the course of this, the Second Respondent referred to a settlement discussion which appeared to have taken place prior to the Tribunal and enquired as to whether a further such discussion was possible despite the fact the Tribunal had commenced. The Tribunal, having regard to its overriding objective to deal with proceedings justly and with informality and flexibility, was content to accede to this request and (virtually) left the proceedings to enable parties to discuss settlement.
26 Upon resuming, the parties confirmed to the Tribunal that they were content that the tenancy be brought to an end so long as enforcement of any order granted

could be delayed by 8 months, to 18 June 2027. The Tribunal was content it was reasonable to make the order on this basis.

FINDINGS IN FACT

27. The parties entered into a SAT on the terms stated in preceding Paragraph 1, which continued until these proceedings.

28. Appropriate procedural steps were taken to bring same to an end.

29. The parties are now in agreement for the tenancy to end on 18 June 2027.

REASONS FOR DECISION

30. The Tribunal being satisfied as to the nature of the tenancy, the reasons for and steps taken to bring it to an end and the parties having reached agreement for it to end on 18 June 2027, the Tribunal was content that it is just and reasonable to make the order sought on the terms agreed by the parties.

DECISION

31. To grant the order for possession sought by the Applicant but for execution not to take place before 18 June 2027, unless otherwise agreed and implemented by the parties.

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.

Steven Quither

6 NOVEMBER 2026

Legal Member/Chair **Date**