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 71(1) of the Private Housing (Tenancies) (Scotland) Act 2016 ("the Act")

Chamber Ref: FTS/HPC/EV/26/1641

Re: Property at 5 The Crescent, Gorebridge, EH23 4PP ("the Property")

Parties:

Mrs Stephanie Urban, 6 Prestonhall Crescent, Rosewell, Midlothian, EH24 9BG ("the Applicant")

Mr Jamie Wright, Miss Katherine Thomson, 5 The Crescent, Gorebridge, EH23 4PP ("the Respondent")

Tribunal Members:

Hilary Macandrew (Legal Member) and Jane Heppenstall (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that an Eviction Order be granted.

1) Background

1.1 By Application dated 15th April 2026 the Applicant sought an order under Section 71(1) of the Private Housing (Tenancies) (Scotland) Act 2016.

1.2 The application to the Tribunal was made by Form E and was accepted for determination by the Tribunal on 6th May 2026.

1.3 Intimation of the application and of the Initial Case Management Discussion (CMD) was effected upon the Respondents by Sheriff Officer on 19th August 2026

1.4 The Applicant lodged the following documents in advance of the case management discussion (CMD): -

- Private Rental Tenancy agreement
- Notice to Leave ('NTL') and proof of service
- Section 11 Notice
- Affidavit by Leah Meaney

1.5 The Case Management Discussion was set to take place on 27th October 2026. Intimation was given to the Respondents by Sheriff Officers on 19th August 2026.

2) The Case Management Discussion

2.1 The CMD took place by tele conference on 27th October 2026. The Applicant was represented by Mr Jonathan Dobbie of Saltouns Letting, Letting Agents. The Respondent Mr Jamie Wright took part on behalf of himself and Miss Katherine Thomson.

2.2 The Applicant sought the Eviction Order based on Ground 5 of Schedule 3 of the Act.

2.3 Mr Barr asked the Tribunal to grant the Eviction Order. He referred to the Applicant seeking to recover possession to enable her daughter to live in the property as her sole and permanent home. He referred to the Affidavit by Leah Meaney, the Applicants' daughter, submitted by the Applicant. He described the Respondents as fantastic tenants who had maintained the property and paid rent timeously.

2.4 Mr Wright told the Tribunal that the Respondents do not oppose the Application. The current tenancy started on 7th September 2024. The Respondent Miss Katherine Thomson had occupied the property formerly as a Tenant since 2019. They accept that the Applicant seeks to recover possession for the property to be the home of her daughter. The property is a two bedroomed ground floor flat. The Respondents live with their children aged 7 and 2. The 7-year-old attends school locally. Both Respondents have health problems as does their 7-year-old child. Mr Wright was anxious to ensure the Tribunal allowed sufficient time for the Respondents and their children to move to alternative accommodation. They have been allocated temporary accommodation by Midlothian Council in a property which is near the property. They signed a document on 19th October 2026 which may have been a tenancy agreement for the new property or may have related to their Universal Credit claim which funds their rent. The temporary accommodation may become permanent after 12 months.

2.5 Mr Wright told the Tribunal that he has started the removal. He had understood he would be permitted 14 days from the Tribunal making an Eviction Order to

move out of the property. He was reassured by being told he would have no less than 30 days. He did not seek additional time. He was asked by the Ordinary member about support with the move from Midlothian Council. He replied that the family have been supported and they have a named Housing Officer.

2.6 Rule 17 of the First-Tier Tribunal for Scotland (Housing and Property Chamber) (Procedure) Regulations 2017 provides that the Tribunal may do anything at a CMD which it may do at a hearing, including making a decision. The Tribunal was satisfied that it had before it sufficient information and documentation to decide the application without a hearing.

3) Findings in Fact and Law

3.1 The Tenancy agreement is a Private Rental Tenancy Agreement which commenced on 7th September 2024.

3.2 On 16th January 2026 the Applicant served Notice to Leave on the Respondents under Ground 5 of Schedule 3 to the Act. The Notice to Leave became effective from 13th April 2026. The Notice was correctly drafted and provided sufficient Notice.

3.3 The Applicant wishes to recover possession of the property to enable her daughter to live there as her sole and permanent home,

3.4 The Respondents do not oppose the grant of the Eviction Order.

3.5 The basis for the Order for possession was accordingly established.

4) Issue For the Tribunal

4.1 The issue for the Tribunal is to determine whether it is reasonable to grant the Order.

4.2 The Tribunal approached the issue of reasonableness in accordance with the case of *Barclay v Hannah 1943 SC 245* whereby the Tribunal was under a duty to consider the whole facts and circumstances in which the Application was made.

4.3 The Tribunal found that the Applicant is entitled to recovery of the property. The Tribunal had regard to the Applicant's personal circumstances, the Respondent's personal circumstances and the fact that the Respondents are not opposing the Application. The Tribunal placed weight on the Respondents not opposing the Application, that they have secured alternative housing and that they have support from the local authority.

4.4 Accordingly, the Tribunal was satisfied that it is reasonable to grant an order for eviction.

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.

H Macandrew	**27th October 2026**
Legal Member/Chair	**Date**