



**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/25/1851

Re: Property at 3/7 Saughton Mains Park, Edinburgh, EH11 3ND (“the Property”)

Parties:

Ms Lola Nelson, 33 Doveridge Gardens, London, N13 5BJ (“the Applicant”)

**Ms Caroline Nimmo, 3/7 Saughton Mains Park, Edinburgh, EH11 3ND (“the
Respondent”)**

Tribunal Members:

Gillian Buchanan (Legal Member) and Eileen Shand (Ordinary Member)

Decision

At the Case Management Discussion (“CMD”), which took place by telephone conference on 11 December 2025, the Applicant was not in attendance but was represented by Miss Lynsey Burr of DJ Alexander Lettings. The Respondent was not present but was represented by Mr Andrew Wilson of Community Help & Advice Initiative, Edinburgh.

Prior to the CMD the Tribunal received from the Respondent’s representative written representations by email dated 30 October 2025.

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that -**

Background

The Tribunal noted the following background:-

- i. The Applicant is the heritable proprietor of the Property.
- ii. The Applicant leased the Property to the Respondent in terms of a Short Assured Tenancy Agreement (“the SAT”) that commenced on 29 May 2014.
- iii. The initial term of the tenancy was for the period to 29 May 2015 and the tenancy has continued thereafter on a two monthly basis per the SAT.
- iv. On 23 January 2025, the Applicant’s agent served on the Respondent by Sheriff Officers a Notice to Quit and a Notice under Section 33 of the Housing (Scotland) Act 1988.
- v. The Applicant’s agent has served on City of Edinburgh Council a Notice under Section 11 of the Homelessness etc (Scotland) Act 2003.

The CMD

At the CMD Mr Wilson made the following oral submissions to supplement the written submissions for the Respondent:-

- i. The Respondent is a lone parent.
- ii. She has been a tenant in the Property since 2012.
- iii. The Respondent's children are aged 10 and 13 years.
- iv. The Respondent is in receipt of Universal Credit and works part-time.
- v. The Respondent agrees to an eviction order being granted subject to a 2 month delay.
- vi. She is speaking to City of Edinburgh Council but will not be accorded any priority until an eviction order is granted. Once an order is granted the Respondent's prospects will improve.
- vii. The Respondent is in need of a 3 bedroomed property. Few such properties become available.
- viii. A suspension of the eviction order is sought to 31 March 2026. The Property market is slow at present so there is little detriment to the Applicant.

At the CMD Miss Burr for the Applicant made the following submissions:-

- i. Asked by the Tribunal why the Applicant wishes to sell the Property, Miss Burr stated that the Applicant is retired and no longer wishes the stress and burden of being a landlord. She has deteriorating health with high blood pressure and Type 2 diabetes. From the proceeds of sale the Applicant will pay off debts and the remaining funds will be for her retirement.
- ii. The Applicant rents out no other properties.
- iii. The Applicant is also struggling to keep up with technology being emails etc.
- iv. The Respondent has rent arrears of £3585. The monthly rent is £798.93. Over the last 5 months rent paid by the Respondent is less than the amount due. The last full months rent was paid in September 2024. One months rent was missed altogether.
- v. The Property is not making a profit.
- vi. There is no mortgage on the Property but there is a mortgage over the Applicant's own home.
- vii. Whilst the Applicant understands the Respondent's position it is not fair or reasonable in the circumstances for the Applicant to have to wait any longer to recover possession.
- viii. It is approximately 1 year since the Notice to Quit etc was served.
- ix. If an eviction order is granted the Council will prioritise the Respondent's housing application.

Mr Wilson made the following additional submissions in reply:-

- i. He was unaware of any rent arrears but had not addressed issues of rent and benefits with the Respondent. He assumed rent was being paid in full.
- ii. He said the Respondent's benefit entitlement should cover the rent.
- iii. He appreciated the arrears position is relevant to any period of suspension.

The Tribunal adjourned briefly to consider their determination.

Reasons for Decision

There are no material factual matters of dispute between the parties.

The Respondent's agent confirmed the granting of an eviction order is not opposed.

Having reached the decision to grant an eviction order the Tribunal carefully considered whether to delay the execution of the eviction order in terms of Rule 16A(d) of the First-tier Tribunal Housing and Property Chamber Rules of Procedure 2017. The Tribunal concluded that it is reasonable to provide the Respondent with an extended period of time to secure alternative accommodation. The Tribunal took into account the age of the Respondent's children and the imminent festive period and the effect of holidays on progress during that period. The Tribunal also took into account the pattern of underpayment of rent and the detriment to the Applicant should the underpayment of rent be ongoing as well as the arrears already accrued. Accordingly, the Tribunal determined that the order cannot be enforced until 12noon on 28 February 2026.

Decision

Of consent the Tribunal grants an eviction order against the Respondent in favour of the Applicant suspended to 12 noon on 28 February 2026.

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.

Gillian Buchanan

Legal Member/Chair

Date: 11 December 2025