



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 1988 Act”) and Rule 66 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017, as amended (“the Regulations”)

Chamber Ref: FTS/HPC/EV/25/2890

Re: Property at 70 Oxgangs Terrace, Edinburgh, EH13 9BY (“the Property”)

Parties:

Mrs Shona Harrower, Mr Mike Harrower, 16 Campbell Park Crescent, Edinburgh, EH13 0HT (“the Applicant”)

Mrs Kamrun Nesa, Mr Mohammed Parvez, 70 Oxgangs Terrace, Edinburgh, EH13 9BY (“the Respondent”)

Tribunal Members:

Nicola Weir (Legal Member) and Elaine Munroe (Ordinary Member)

Decision (in absence of the Respondent)

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

Background

1. The application received on 3 July 2025 sought an eviction order under Rule 66 on the basis that the Short Assured Tenancy had been brought to an end by service of the relevant notices. Supporting documentation was submitted, including a copy of the tenancy agreement, AT5, Notice to Quit, Section 33 Notice and section 11 Notice to the local authority. The Short Assured Tenancy began on 1 September 2016.
2. Following initial procedure, the application was accepted by the Tribunal on 27 July 2025 and notified to the Respondent by Sheriff Officer on 11 November 2025, together with details regarding the Case Management Discussion, which was scheduled to take place on 9 January 2026.

3. No written representations were received from, or on behalf of, the Respondent prior to the CMD.
4. On 5 December 2025, the Applicant lodged written representations, including a detailed Personal Statement explaining their reasons for wishing to recover the Property and relevant background, including their personal circumstances, the rent arrears situation and discussions with the Respondent. They also attached an email of the same date from the Respondent, confirming that they were not opposed to the eviction and, in fact, required an eviction order to be granted in order that they could obtain social housing.

Case Management Discussion

5. The Case Management Discussion (“CMD”) took place by telephone conference call on 9 January 2026 at 2pm. In attendance were both Applicants, Mrs Shona Harrower and Mr Mike Harrower. The Respondent did not attend. The commencement of the CMD was delayed by 5 minutes to give the Respondent an opportunity to join late but they did not do so.
6. Following introductions and introductory comments by the Legal Member, Mr and Mrs Harrower made reference to their detailed submission submitted in December 2025 and which incorporated an email from their tenants confirming they were not opposed to the eviction and had applied for local authority accommodation. They had been told that they would not be re-housed until an eviction order is granted by the Tribunal. The Applicant had recommended that the Respondent submit their email directly to the Tribunal too, but they did not appear to have done so. The proceedings were paused for a few minutes to allow the Tribunal Members to consider the Applicant’s written representations.
7. Mr and Mrs Harrower then made reference to the contents of their further written submissions, which had been submitted on the advice of SAL in advance of the CMD. The Tribunal also asked Mr and Mrs Harrower a number of questions. It was noted that the Applicants had remained on good terms with their tenants but had been trying to recover possession of the Property for some time. They had met with the tenants at the end of the notice period in the Notice to Leave and the tenants had explained their own position. There are still outstanding rent arrears of around three months’ rent which the tenants hope to repay. They had contacted the local authority but had been unable to move out of the Property as they had no alternative accommodation to move into. They had been told to remain in the Property until an eviction order is granted. They are reliant on benefits and have recognised that the Property is not really affordable to them. Their children have also outgrown the Property and the tenants are therefore keen to move into social housing. Mr and Mrs Harrower intend to put the Property on the market for sale once they have recovered possession. Mr Harrower has some health issues and they are moving towards retirement. They have one other property which they rent out and which they are intending to retain. They have reliable rental income from that which they will use to plug the gap until they are eligible for their state pensions.

8. There was discussion as to whether or not it would be beneficial for the Tribunal to extend the usual eviction period. However, Mr and Mrs Harrower understood that the tenants really wanted to move into alternative housing as soon as possible and had not asked for a longer period.
9. The Tribunal Members conferred and confirmed that they had decided to grant the eviction order sought and to do so on normal timescales. There was some further discussion regarding the process which would follow, that the Tribunal's decision would be issued in writing within the next few days and that the Tribunal appeal period was 30 days. It was explained that the earliest date for the eviction to take place would be specified in the paperwork as **9 February 2026**. The paperwork would be issued to the Respondent by post, unless the Tribunal received instructions from them to issue it by email. The Applicant confirmed that they would issue a copy to the Respondent by email so that they would receive it quicker. The Tribunal recommends that the Respondent provide a copy to the local authority as soon as possible so that their housing application is prioritised and progressed. Mr and Mrs Harrower were thanked for their attendance at the CMD.

Findings in Fact

1. The Applicant is the joint-owner and landlord of the Property.
2. The Respondent is the tenant of the Property by virtue of a Short Assured Tenancy which commenced on 1 September 2016.
3. The Applicant ended the contractual tenancy by serving on the Respondent a Notice to Quit and Section 33 Notice by Sheriff Officer on 30 April 2025.
4. The end of the contractual tenancy and notice period in terms of the notices was specified as 1 July 2025, an ish date in terms of the tenancy.
5. Both notices were in the correct form, provided sufficient notice and were served validly on the Respondent.
6. The Respondent has remained in possession of the Property following expiry of the notice period.
7. The Applicant intends to sell the Property due to their financial and other circumstances.
8. The Respondent did not lodge any written representations direct with the Tribunal or attend the CMD.
9. The Respondent had, however, provided the Applicant with written confirmation that they were not opposing the eviction and required an eviction order granted to progress their application for social housing.

Reasons for Decision

1. The Tribunal was satisfied that pre-action requirements including the service of the Notice to Quit and Section 33 Notice in terms of the 1988 Act had been properly and timeously carried out by the Applicant in connection with this Tribunal application.
2. Section 33(1) of the Act states that an order for possession shall be granted by the Tribunal if satisfied that the short assured tenancy has reached its finish; that tacit relocation is not operating; that the landlord has given to the tenant notice stating that he requires possession of the house; and that it is reasonable to make an order for possession. The Tribunal was satisfied that all requirements of Section 33(1) had been met.
3. As to reasonableness, the Tribunal considered the background to the application, the supporting documentation lodged by the Applicant in advance of the CMD and the oral submissions of the Applicant at the CMD. The Tribunal was satisfied that the Applicant's reason for wishing to recover possession of the Property was to enable them to sell the Property, due to their financial and other circumstances as narrated above. There were some rent arrears outstanding but this was not the primary reason for the Applicant's wishing to recover possession. They appeared to have maintained a good relationship with the Respondent and were in communication with the Respondent. It was noted that they understood the reason why the Respondent had not been able to move out of the Property at the end of the notice period and it appeared to the Tribunal that the Applicant had tried to be supportive of the Respondent throughout the process. It was understood from the Applicant that the Respondent were a couple with three children, that the Property was a bit small for them and that they were reliant on state benefits. Although they could technically cover the rent, there was not much left over. They accordingly wished to move into social housing and had made application to the local authority. Although the Tribunal had not heard directly from the Respondent, a copy of their communication to the Applicant dated 5 December 2025 had been produced by the Applicant and appeared to confirm their position in respect of the eviction.
4. The Respondent had not entered into the Tribunal process and the Tribunal therefore had no material before it either to contradict the Applicant's position in respect of the eviction application nor to advance any reasonableness arguments on behalf of the Respondent. Accordingly, the Tribunal determined, on balance, that it was reasonable in all of the circumstances, for an order for recovery of possession of the Property to be granted at this stage and that there was no need for an Evidential Hearing.
5. The Tribunal's decision was unanimous.
6. The earliest date for eviction (on expiry of the 30 day appeal period) to be will be **9 February 2026**. This date should be communicated to the local authority

by the Respondent as soon as possible in connection with their application for social housing.

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.

Nicola Weir

Legal Member/Chair

9 January 2026

Date