

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/25/3284

Re: Property at 10 Glenmore, Whitburn, West Lothian, EH47 8NR (“the Property”)

Parties:

Dr Simon Gage, 21/2 Gilmour Road, Edinburgh, EH16 5NS (“the Applicant”) and

Rent Locally, Flexspace Unit 10, Blackburn Road, Bathgate, EH48 2EH (“the Applicant’s Representative”) and

Miss Lisa Ann Anderson, 10 Glenmore, Whitburn, West Lothian, EH47 8NR (“the Respondent”)

Tribunal Members:

**G McWilliams- Legal Member
A Khan - Ordinary Member**

Decision:

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

Background and Case Management Discussions on 9th April 2026 and 7th July 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”) had proceeded remotely by telephone conference call on 9th April 2026. Reference is made to the Notes on that CMD.
4. A further CMD proceeded remotely by telephone conference call at 2pm on 7th July 2026. The Applicant Dr Gage’s Representative’s Ms C Todd and Ms L Yuill and the Respondent Miss Anderson attended.
5. Ms Todd referred to the Application papers and, in particular, Dr Gage’s letter, with details of his personal circumstances, which she sent by email to the Tribunal’s office on 30th April 2026. She re-iterated that Dr Gage wishes to recover possession of the Property in order to sell it, for financial reasons. Ms Todd said that Dr Gage would be agreeable to the grant of an eviction order with a deferred enforcement date of 28th September 2026. She stated that Miss Anderson has been a very good tenant and that she will provide a reference for Miss Anderson, and assist her, in respect of her application for another tenancy.
6. Miss Anderson stated that she has a health condition and that her daughter aged 18, who resides with her, is studying at university. She said that they have applied to West Lothian Council for a tenancy. She stated that she and her daughter would like to be given sufficient time to obtain another tenancy and agreed that the grant of an eviction order with a deferred enforcement date of 28th September 2026 would be appropriate.

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 end;
- (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 Ms Todd and Miss Anderson. The Tribunal found in fact that all of the documentation regarding termination of the parties’ tenancy agreement had been validly served on Miss Anderson. They found that Miss Anderson suffers from medical problems, has been a very good tenant and that she and her 18 year old daughter, with whom she resides, are 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 28th September 2026. In reaching the latter decision the Tribunal placed reliance on the

submissions of Ms Todd and Miss Anderson, the latter's record as a very good tenant of the Property, and the Tribunal's knowledge that it may take some time for Miss Anderson and her daughter to obtain another tenancy. The Tribunal consider that it is fair to allow them an extended period to do so.

Decision

9. The Tribunal granted an order for Dr Simon Gage's recovery of possession of the Property at 10 Glenmore, Whitburn, West Lothian, EH47 8NR, as sought in the Application, with a deferred enforcement date of 28th September 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.

G McWilliams

7th July 2026

Legal Member

Date