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/26/1010

Re: Property at 12 Beatrice Drive, Motherwell, ML1 4UT ("the Property")

Parties:

Mrs Lynn Lightbody, Mr Steven Lightbody, 20 Holly Grove, Bellshill, ML4 1EG ("the Applicants")

Ms Wendy Lindsay, 12 Beatrice Drive, Motherwell, ML1 4UT ("the Respondent")

Tribunal Members:

Steven Quither (Legal Member) and Helen Barclay (Ordinary 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 Applicants but for execution not to take place before 30 November 2026, unless otherwise agreed and implemented by the parties.

BACKGROUND

1. This is an application, dated and lodged on 2 March 2026, to bring to an end a Short Assured Tenancy (SAT") between the parties, (although in the name of the Applicants agents, Love Letts ("LL")) commencing 27 February 2015 for 6 months and continuing thereafter by tacit relocation on a monthly basis, at a rent of £575 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. After a Tribunal request for further information dated 7 April was responded to by LL on 15 April, the application was accepted by Notice of Acceptance of 8 May, by virtue of which a Case Management Discussion ("CMD") was duly fixed for 14 October, all 2026.
5. The Tribunal subsequently received sheriff officer confirmation of letterbox service of the application on the Respondent on 28 August 2026.
6. By email of 4 September 2026, Hamilton Citizens Advice Bureau ("HCAB") lodged Written Representations on behalf of the Respondent with supporting documentation. In summary, these provided information about discussions regarding a possible previous sale of the Property, asked the Tribunal to ensure it was satisfied about any evidence produced by the Applicants in support of the application before making any order and provided information about the Respondent's personal and housing circumstances, with conclusions requesting the Tribunal principally to refuse the application but, if not so minded, to afford the Respondent sufficient time to secure alternative accommodation before any order could be enforced.

CASE MANAGEMENT DISCUSSION

7. Said CMD duly took place by teleconference on 14 October, commencing shortly after 10am, with the Applicants attending along with Brian Cowan from LL and the Respondent represented by Mark Law from HCAB.
8. Mr Cowan and the Applicants advised and confirmed:--
   a) They were presently living in the United Arab Emirates ("UAE") but their son had recently graduated from high school there and they were now planning to move back to Scotland;
   b) They were looking to recover occupancy of the Property in order that they and their son could live there, although initially it might just be their son;

c) The Respondent had known about the Applicants' intentions since about August 2025;
d) If evicted, the Respondent could possibly live with her daughter, who lives in a 4 bedroomed house, till any local authority accommodation was sorted out;
e) The Applicants' UAE visa had expired on 30 September and, although there was period of grace beyond that of usually 14 days, they might be fined if they did not then leave;
f) Their son was returning to the UK on or about 21 October and he could possibly stay with other family after that if there was a firm date for when he might then be able to return to live in the Property; and
g) They could probably remain in UAE till end of October with a visitors' visa.

9. For the Respondent, Mr Cowan advised and confirmed--
   a) The Respondent was seeking to obtain local authority accommodation and he was consenting on her behalf to the order for eviction being granted;
   b) This application proceeding to a hearing and an order being made would result in the Respondent obtaining more points to be rehoused in local authority accommodation; and
   c) He did not have any information regarding any alternative accommodation with her daughter possibly being available to the Respondent;
10. Given the concession by Mr Law for the order to be granted, a possible route to settlement was then discussed among the Tribunal and the parties, which resulted in agreement being reached for the eviction to be granted but not to be capable of enforcement before 30 November 2026, unless otherwise agreed and implemented by the parties, all of which appeared reasonable to the Tribunal.

FINDINGS IN FACT

11. The parties entered into a SAT on the terms stated in preceding Paragraph 1, which continued until these proceedings.
12. Appropriate procedural steps were taken to bring same to an end.
13. The parties are now in agreement for the tenancy to end on 30 November 2026.

REASONS FOR DECISION

14. 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 30 November 2026, the Tribunal was content that it is just and reasonable to make the order sought on the terms agreed by the parties.

DECISION

15. To grant the order for possession sought by the Applicants but for execution not to take place before 30 November 2026, 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.

[redacted]

SR QUITHER

Legal Member/Chair **Date 23 OCTOBER 2026**