

**Housing and Property Chamber**  
First-tier Tribunal for Scotland

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**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/23/3097**

**Re: Property at Flat 1 / 2, 18 Battlefield Gardens, Glasgow, G42 9JP (“the Property”)**

**Parties:**

**Mr Malcolm McPherson and Mrs Caroline McPherson, both residing at 37 Church Road, Giffnock, Glasgow, G46 6LN (“the Applicants”) and**

**Mellicks, Solicitors, 160 Hope Street, Glasgow, G2 2TL (“the Applicants’ Representative”) and**

**Ms Grace Leca, Flat 1 / 2, 18 Battlefield Gardens, Glasgow, G42 9JP (“the Respondent”) and**

**Legal Services Agency Limited, 134 Renfrew Street, Glasgow, G3 6ST (“the Respondent’s Representative”)**

**Tribunal Members:**

**G McWilliams- Legal Member  
E Shand - Ordinary Member**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determines as follows:**

## **Background and Case Management Discussion on 19<sup>th</sup> January 2024**

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. A Case Management Discussion (“CMD”) proceeded remotely by telephone conference call at 10.00am on 19<sup>th</sup> January 2024. Reference is made to the Notes on that CMD, also dated 19<sup>th</sup> January 2024.

## **Hearing on 17<sup>th</sup> April 2024, Decision and Reasons**

1. A Hearing proceeded remotely by telephone conference call at 10.00am on 17<sup>th</sup> April 2024. The Applicants’ Representative’s Miss E. McFadyen and the Respondent Representative’s Ms G. King attended.
2. The Representatives had sent a Joint Motion document to the Tribunal’s office on 16<sup>th</sup> April 2024, seeking the grant of an eviction order which has not to be enforced until 17<sup>th</sup> October 2024 to allow time for Ms Leca to obtain alternative accommodation.
3. Miss McFadyen and Ms King both stated that the parties wish to have the Application disposed of in terms of the Joint Motion
4. All of the documentation regarding termination of the parties’ tenancy had been validly completed and served. Having considered the terms of the Joint Motion and the submissions of Miss McFadyen and Ms King the Tribunal decided that it was just and reasonable to grant an eviction order which has not to be enforced earlier than 12noon on 17<sup>th</sup> October 2024.
5. The Tribunal commend Mr and Mrs McPherson, Ms Leca, Miss McFadyen and Ms King for their achievement of a fair and reasonable consensus. The Tribunal wish Mr and Mrs McPherson and Ms Leca good luck going forward.

6. The Tribunal therefore makes an order for possession of the Property as sought in this Application and in the Joint Motion of 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.**

**G McWilliams**

**17<sup>th</sup> April 2024**

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**Tribunal Legal Member**

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**Date**