



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 51 of the Private Housing (Tenancies)(Scotland) Act 20016

Chamber Ref: FTS/HPC/EV/25/2843

Re: Property at 127/2 St John's Road, Edinburgh, EH12 7SB ("the Property")

Parties:

Mr Jim Bruce, 80 Cash Feus, Strathmiglo, KY14 7QP ("the Applicant")

Miss Paulina Toczek, 127/2 St John's Road, Edinburgh, EH12 7SB ("the Respondent")

Tribunal Members:

Gillian Buchanan (Legal Member) and Mary Lyden (Ordinary Member)

Decision

At the Hearing which took place by telephone conference on 7 July 2026, the Applicant was present and was represented by his son-in-law, Mr Greig Kelly. The Respondent was not in attendance but was represented by Mr Andrew Wilson of CHAI (Community Help and Advice Initiative).

An interpreter was also in attendance.

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that –

Background

A Case Management Discussion ("CMD") had previously taken place on 9 March 2026. That CMD was adjourned to the Hearing to allow disputed issues identified between the parties to be determined.

Prior to the Hearing the Tribunal received the following –

On behalf of the Applicant –

- i. Email of 11 April 2026;
- ii. Email of 25 May 2026 with attachment; and
- iii. Email of 24 June 2026 with attachments.

On behalf of the Respondent –

i. Email of 6 July 2026.

The Hearing

At the outset of the Hearing the Tribunal noted the terms of Mr Wilson's email on behalf of the Respondent dated 6 July 2026 at 15:07 and which had been copied to the Applicant and Mr Kelly in which Mr Wilson stated:-

"Having had chance to reflect on the applicant's submission as well as her own family's circumstance, Ms Toczek does not oppose the application for an order for eviction. However, if an order is granted by the tribunal she would like to ask that the enforcement of it is delayed by two months beyond the usual 30 days, to afford her opportunity to obtain assistance from the City of Edinburgh Council."

Mr Wilson confirmed that the Respondent's position remained as stated. He had only had an opportunity to speak with the Respondent on 6 July 2026 due to issues with an interpreter and staff availability. He said there has been no progress at all with the Respondent's search for alternative accommodation. The Respondent is reliant on Universal Credit and finding a 4 bedroomed property that is affordable for the Respondent has provided impossible. He said the Council will not consider alternative accommodation until an eviction order is granted by the Tribunal. On the granting of the eviction order and with enforcement of that order being suspended for two months he said there is a slim hope the Council will find the Respondent temporary accommodation (as opposed to emergency accommodation).

Mr Kelly for the Applicant confirmed having received Mr Wilson's email of 6 July 2026 and indicated the Applicant wanted the order granted for enforcement as soon as possible. After a discussion with the Tribunal around the timing of the grant of any eviction order had the Hearing proceeded in full as scheduled Mr Kelly accepted the proposed suspension of enforcement by a period of 2 months.

Reasons for Decision

In light of the Respondent having effectively withdrawn any opposition to an eviction order being granted in favour of the Applicant, the Tribunal proceeded to grant the eviction order of consent.

The Tribunal also agreed to suspend the enforcement of the eviction order for a period of 2 months in terms of Rule 16A(d) of the First-tier Tribunal Housing and Property Chamber Rules of Procedure 2017.

Decision

Of consent, the Tribunal grants an eviction order against the Respondent in favour of the Applicant in terms of Ground 1 of Schedule 3 of the 2016 Act with enforcement of the order suspended until 7 September 2026 in terms of Rule 16A(d) of the First-tier Tribunal Housing and Property Chamber Rules of Procedure 2017.

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.

Legal Member/Chair

7 July 2026
Date