



**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/22/2733

Re: Property at 20 Victoria Road, Barrhead, G78 1NQ ("the Property")

Parties:

Mr Frazer McLaren, 42 Grampian Avenue, Paisley, PA2 8DW ("the Applicant")

**Mr Stephen McLaughlin, 20 Victoria Road, Barrhead, G78 1NQ ("the
Respondent")**

Tribunal Members:

Gillian Buchanan (Legal Member) and Ann Moore (Ordinary Member)

Decision

At the Hearing which took place by telephone conference on 20 June 2023, the Applicant was in attendance and was represented by Mr Thomas Gallagher of Russells Gibson McCaffrey. The Respondent was present.

Prior to the Hearing the Tribunal had received from the Respondent an email dated 16 June 2023.

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

Background

A Hearing had previously taken place on 17 May 2023. That Hearing was adjourned to 20 June 2023 to allow the Respondent to liaise with Barrhead Housing Association to ascertain the date upon which he will be able to move in to the new accommodation to be provided to him and to update Mr Gallagher and the Applicant with that information.

On 16 June 2023 the Respondent emailed Mr Gallagher for the Applicant and the Tribunal reporting on his dialogue with Barrhead Housing Association. In that email the Respondent advised that the accommodation being provided to him by Barrhead Housing Association will likely be handed over in July/August 2023 and, on that basis, that he would vacate the Property by 31 August 2023 at the latest. The Respondent stated that should he receive

further updates indicating a move in date that is earlier than 31 August 2023, he would remove from the Property earlier.

The Hearing

At the Hearing the Respondent confirmed there had been no further updated from Barrhead Housing Association.

Mr Gallagher for the Applicant stated that he had taken the Applicant's instructions on the Respondent's email of 16 June 2023 and the Applicant was content to have an eviction order being granted on the basis that it would not be enforced until after 31 August 2023.

The Tribunal referred to Section 20(2) of the Housing (Scotland) Act 1988 which states:-

"On the making of an order for possession of a house let on an assured tenancy or at any time before the execution of such an order, the First-tier Tribunal, subject to subsection (6) below, may—
(a) sist or suspend execution of the order; or
(b) postpone the date of possession,
for such period or periods as the Tribunal thinks fit."

The Tribunal considered that the Tribunal could grant an eviction order and suspend execution of the order until after 31 August 2023. Mr Gallagher was content with that proposition and the Respondent similarly agreed to the Tribunal proceeding as suggested.

Reasons for Decision

The parties agreed that the Tribunal should grant an eviction order against the Respondent allowing the Applicant to recover possession of the Property but with execution of that order being suspended to allow the Respondent to remove voluntarily by 31 August 2023.

Decision

The Tribunal grants an eviction order against the Respondent allowing the Applicant to recover possession of the Property with execution of that order being suspended to 12 noon on 1 September 2023.

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. Buchanan

Legal Member/Chair

20 June 2023
Date