



**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/24/1980

Re: Property at 67 Wingate Crescent, Dunbar, EH42 1BQ (“the Property”)

Parties:

Mrs Joanne Hedley, 129 Craigentenny Avenue, Edinburgh, EH7 6RG (“the Applicant”)

Mr Daniel Foot, Miss Samantha Hammond, 67 Wingate Crescent, Dunbar, EH42 1BQ (“the Respondent”)

Tribunal Members:

Mark Thorley (Legal Member) and Melanie Booth (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order of eviction of the Respondent from the property at 67 Wingate Crescent, Dunbar be granted but delayed for a period of 3 months

- **Background**

The applicant applied to the tribunal by application dated 01 May 2024. The application was accompanied by a number of papers which included a copy of the short term tenancy agreement dating back to 2012, the AT5 for both respondents, the notices to quit for both respondents and the section 11 notices.

The application was acknowledged on 3rd May 2024 by the tribunal. It was accepted for determination on 2nd July 2024.

Following, upon service of the applications, no written responses were received.

- The Case Management Discussion

At the case management discussion, both the respondents attended along with Mrs Thom for the applicant. Mrs Thom indicated that the applicant wished to sell the property because it had been looked after by her husband, who had now passed away. The applicant did not want the responsibility of continuing to look after the property.

The respondent acknowledged that they were looking to obtain another property. There was a property that they may be able to obtain from the local authority, which required some work at present. It was nearby and accordingly good for schools. The respondent had an autistic child. They acknowledged that they would require to move but just sought some time to do so.

- Findings in Fact

The parties entered into a short assured tenancy for the rental of the property at 67 Wingate Crescent, Dunbar.

The applicant had served the appropriate notices upon the respondent.

The applicant sought to sell the property upon the death of her husband.

- Reasons for Decision

There was not much dispute between the parties in terms of facts. The respondents acknowledged that the applicant was to sell the property following upon the death of her husband. They had in fact contacted the local authority and there was a property that would hopefully become available to them with some work to be done on it. They have a son who is autistic and accordingly it was important that they got this move right.

The Tribunal acknowledged that the paperwork was in order and that there was a good reason for seeking eviction. The tribunal were of the view that the respondents should be allowed three months to assist in the time that it would take for the local authority house to be made ready.

- Decision

To grant an order of eviction for the respondents from the property, but delayed for a period of three months.

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.

Mark Thorley

Legal Member/Chair

6th November_____
Date