



**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/24/2788

**Re: Property at 29 Stenhouse Avenue West, Flat 1, Edinburgh, EH11 3EY (“the
Property”)**

Parties:

**James Taylor, Jeanette Taylor, Craigmount Place, Edinburgh, EH12 8DE; 8
Craigmount Place, Edinburgh, EH12 8DE (“the Applicant”)**

**Mark Daniel McLelland, 29 Stenhouse Avenue West, Flat 1, Edinburgh, EH11
3EY (“the Respondent”)**

Tribunal Members:

Mark Thorley (Legal Member) and Janine Green (Ordinary Member)

Decision

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that an order for eviction of the Respondent be granted
but not to executed until after 8 January 2025**

- Background

The applicant applied for an order of eviction by application dated 14 May 2024. Accompanying the application were a copy of the Tenancy agreement, Notice to Quit and section 33 notice, sheriff officers execution and section 11 notice.

The application was accepted for determination on 21 July 2024.

- The Case Management Discussion

Mr Gray appeared on behalf of the Applicant. The Respondent attended. The Respondent confirmed that he was looking for alternate accommodation. He has a 13 year old son who lives with him 4 days a week. He has not been able to secure other accommodation. He did accept that the Applicant wished to recover the property in order to sell it. He was willing to leave the property but just wanted time to find suitable alternate accommodation.

- Findings in Fact

The parties entered in to a tenancy agreement dated 27 October 2017 for the rent of the property at £610.00 per month.

The Applicant served a notice to quit to bring the tenancy to an end.

- Reasons for Decision

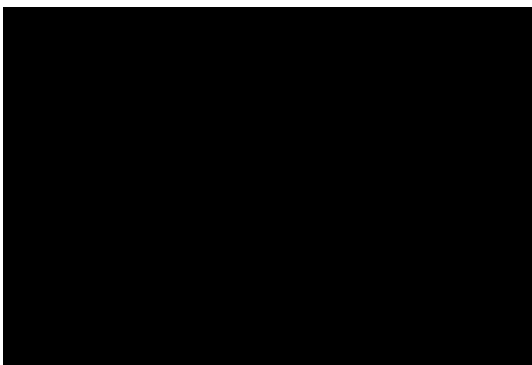
The Respondent acknowledged that the Applicant wished to recover the property in order to sell it. He just wanted enough time to be able to leave to obtain alternate accommodation. The paperwork was in order. The Applicant through the agent was prepared to delay enforcement of the order until 8 January 2025. The Respondent agreed to this.

- Decision

To grant an order of eviction with the order not being enforced until after 8 January 2025

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.



15th November 2024

Date

