



**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/24/2414

Re: Property at 31/1 Pilton Drive North, Edinburgh, EH5 1NF (“the Property”)

Parties:

**Mr Stephen Forrest, Mrs Sharon Forrest, 23 Craigdimas Grove, Dalgety Bay,
Fife, KY11 9XR (“the Applicant”)**

**Mr Peter Thomas Cummings, 31/1 Pilton Drive North, Edinburgh, EH5 1NF
 (“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 that an order of eviction be granted but
enforcement delayed until 31 January 2025**

- Background

The applicant applied to the tribunal by application dated 27 May 2024 seeking an order of eviction. Accompanying the application was a copy of the tenancy agreement, AT5, Notice to Quit, section 33 notice, sheriff officers service, section 11 notice and confirmation of service on the local authority.

Prior to the Case Management Discussion the Respondent through his representative lodged a written submission. The submission set out whether it was reasonable to evict. If it was reasonable to evict then the order should be delayed.

- The Case Management Discussion

At the Case Management Discussion the Applicant attended as did the Respondent and the Respondents representative.

It was set out for the Respondent that it was not reasonable to evict. He had been a tenant for 14 years, he had no alternative accommodation to go to, that his mental health had suffered and that he was signed off work at present.

The Applicant indicated that they could not afford to keep the property. It was financially not viable. They had already sold one buy to let property. They had to borrow money.

- Findings in Fact
 1. The parties entered into a tenancy agreement for the rental of the property dated 24 June 2010.
 2. The rent was initially £500 per month.
 3. Rent was now £700 per month
 4. The Applicant paid £500 per month by way of mortgage but there were other outlays to take in to account including landlord insurance and boiler care.
 5. The Applicant had already sold one buy to let property.
 6. The Applicant wished to sell this property.
- Reasons for Decision

There was no dispute between parties that the Applicant wished to sell the property. With increasing mortgage rates the property was no longer financially viable. The Respondent had been a long term tenant and was up to date with rent payments. He had no alternate accommodation to go to. He had applied for social housing.

The Tribunal accepted the ground of eviction. The issue was whether it was reasonable, The Respondent had no alternate accommodation to go to . He could not afford a private rent.

The Tribunal concluded it was reasonable to evict. The Applicant needed to sell. The Respondent may be assisted by an order of eviction in getting social housing. The tribunal took in to account the time of year and delayed enforcement until 31 January 2025.

- Decision

To grant an order of eviction but with enforcement delayed until 31 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.

M Thorley

Legal Member/Chair

6 December 2024

Date