



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland  
(Housing and Property Chamber) under Section 18 of the Housing (Scotland) Act  
1988**

**Chamber Ref: FTS/HPC/EV/24/1774**

**Re: Property at Flat 3/R, 44 Battlefield Road, Glasgow, G42 9QH (“the Property”)**

**Parties:**

**The Rasul property co, Bellahouston Business Centre, 423 Paisley Road West,  
Glasgow, G511PZ (“the Applicant”)**

**Mr Paul Mearns, Flat 3/R, 44 Battlefield Road, Glasgow, G42 9QH (“the  
Respondent”)**

**Tribunal Members:**

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

**Decision**

At the Hearing, which took place by telephone conference on 5 December 2024, the Applicant was represented by Ms Donnelly of TC Young, Solicitors, Glasgow. The Respondent was also present.

The CMD was also in respect of the related case bearing reference FTS/HPC/CV/24/3844.

**Background**

A CMD had previously taken place on 12 September 2024. That CMD was adjourned to the Hearing to allow disputed issues identified between the parties to be determined by the Tribunal.

Prior to the Hearing the Tribunal received the following additional representations from the parties:-

*For the Applicants:-*

- i. Email dated 14 November 2024 with attachments;
- ii. Emails dated 20 November 2024 with attachments;
- iii. Email dated 26 November 2024; and
- iv. Email dated 2 December 2024.

*For the Respondent:-*

Email dated 29 November 2024 with attachments.

## **The Hearing**

In terms of the Respondent's Written Submissions attached to his email of 29 November 2024 and prepared on his behalf by Govanhill Law Centre, the Tribunal noted that the Respondent now consents to an eviction order being granted against him in terms of Section 18 and Grounds 11 and 12 of Schedule 5 of the Housing (Scotland) Act 1988. The Tribunal also noted the Respondent to accept there to be a rent arrears balance outstanding and due in a sum of £5,683.48 as at 25 November 2024.

At the Hearing in response to questions from the Tribunal the Respondent stated:-

- i. That he has joined a number of housing associations in an effort to find alternative accommodation. However, given the rent arrears payable, he may not be accepted as a tenant.
- ii. He has applied to Glasgow City Council for housing. He has been advised that he requires to wait until an eviction order is granted until his application will be progressed.
- iii. He has organised a storage unit into which he will move his possessions.
- iv. He requires to care for his mother who is in poor health.

At the Hearing the Applicant's representative stated:-

- i. That an eviction order is sought against the Respondent.
- ii. In response to a question from the Tribunal about suspending the enforcement of any eviction order granted due to the impending festive period, Ms Donnelly stated that she did not have instructions from the Applicant. However, she considered that a suspension of 4 weeks would be more than sufficient.

## **Reasons for Decision**

The Tribunal noted the Respondent now consents to an eviction order being granted against him in terms of Section 18 and Grounds 11 and 12 of Schedule 5 of the 1988 Act. The Tribunal also noted the Respondent to accept there to be a rent arrears balance outstanding and due in a sum of £5,683.48 as at 25 November 2024.

In the normal course, the grant of an eviction order at the Hearing would result in the Order for Eviction being available for enforcement in the first few days of the New Year with the Respondent having limited time to secure alternative accommodation due to the festive holidays.

Whilst Ms Donnelly did not have instructions on a suspension of the enforcement of an eviction order it is obvious that issuing an eviction order in the first few days of the New Year after festive holidays would prejudice the Respondent's ability to secure alternative accommodation in the interim and would be an unsatisfactory state of affairs. The Tribunal therefore determined that enforcement of the eviction order granted would be suspended until the end of January 2025.

## **Decision**

Grants an eviction order against the Respondent in favour of the Applicants, suspended to 12 noon on 1 February 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.**

**Gillian Buchanan**

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**Legal Member/Chair**

**5 December 2024**  
**Date**