



**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/24/1560

Re: Property at 46 Todhill Avenue, Kilmarnock, KA3 2EQ ("the Property")

Parties:

**Mr John O'Connell and Mrs Heather O'Connell, 172 Hedgemans Road, Dagenham,
Essex, RM9 6DJ ("the Applicants")**

Mr Nicholas Peever, 46 Todhill Avenue, Kilmarnock, KA3 2EQ ("the Respondent")

**Tribunal Members: Gillian Buchanan (Legal Member) and Elaine Munroe (Ordinary
Member)**

Decision

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

- 1.1 At the Hearing, which took place by telephone conference on 18 December 2024, the First Applicant was in attendance and was represented by Ms Kim McKenzie of Homesure Portfolio Management. The Respondent was also present and was represented by Mr David Anderson of Ayr Housing Aid Centre SCIO.
- 1.2 Prior to the Hearing and by email dated 2 December 2024 Ms McKenzie for the Applicants lodged written representations with attachments.
- 1.3 Mr Anderson on behalf of the Respondent also lodged an Inventory of Productions & List of Witnesses by email dated 6 December 2024.

Background

- 2.1 A CMD had previously taken place on 19 September 2024. That CMD was adjourned to the Hearing to allow disputed issues identified between the parties to be determined by the Tribunal.
- 2.2 The Notes of the CMD record that only the reasonableness of granting an eviction order is a matter of dispute between the parties and identifies the issues to be resolved as:-
 - i. To what extent are the Applicants financially disadvantaged by continuing to rent the Property to the Respondent and what evidence exists to vouch the outgoings offset against the rent and the reasonableness of such outgoings?

- ii. When is the mortgage due to Birmingham Midshires due to be repaid and in what amount?
- iii. Have the Applicants withdrawn equity in the Property subsequent to their purchase of the Property and, if so, when and to what extent?
- iv. Have the Applicants explored remortgaging the Property and, if so, in what manner and with what result?
- v. What evidence exists vouching the Respondent's health conditions as described?
- vi. To what extent has the Respondent made reasonable efforts to secure alternative accommodation and with what result?
- vii. To what extent would the grant of an eviction order impact negatively upon the Respondent?
- viii. Balancing the interests of the Applicants and the Respondent, is it reasonable to issue an eviction order?

The Hearing

3.1 At the Hearing the Tribunal heard evidence from the First Applicant and the Respondent.

Evidence of First Applicant

- 3.2 With regard to the Applicants' written representations and supporting evidence attached to Ms McKenzie's email of 2 December 2024, the following additional oral submissions representations were made by Ms McKenzie and the First Applicant:-
- 3.3 The current monthly mortgage payment is £301.73. The mortgage payments move with changes in interest rates.
- 3.4 The First Applicant is a lorry driver and the Second Applicant a nurse.
- 3.5 The First Applicant referred to the tenancy situation in respect of the Property as a "train crash" and not financially viable.
- 3.6 The Letting Agent's fee is £64.80 per month.
- 3.7 The insurance on the Property is £279.17 per month.
- 3.8 The Applicants previously bought three properties in Scotland and latterly sold two of those properties at a loss. They only have the Property left.
- 3.9 The accountants are Denmark Forrester and the Applicants are required to submit their records to the accountant every year in order to calculate the tax that is due to be paid.
- 3.10 The Applicants submit to their accountant details of the day to day running costs of the Property and the accountant also needs to know what the Applicants earn through other income.
- 3.11 They submit receipts for damages, repairs etc. These sums are offset against the income from the Property.
- 3.12 The accountant does the required adjustments.
- 3.13 Notwithstanding that the Applicants are both employed by third parties, the accountant submits a separate tax return as a result of having the Property and they require to keep receipts for six years.
- 3.14 The tax bill is paid annually.
- 3.15 The last assessment was paid over 12 months.
- 3.16 The Applicants kept the three Scottish properties separate. They operated one account for all three properties.
- 3.17 Most recently there was a float of £8000 relative to the Scottish properties but that float is now dwindling due to the shortfall each month relative to the Property. The float arose as a result of the other two properties having been sold.
- 3.18 The Legionella assessment is part of the cost of the Gas Safety Record.

- 3.19 The landlord registration costs are payable every three years and equate to £2.70 per month.
- 3.20 The Sheriff Officers' fees for serving the Notice to Quit are £66.17 and are a one-off cost.
- 3.21 Notwithstanding the calculation in the spreadsheet attached to Ms McKenzie's email of 2 December 2024 both Ms McKenzie and the First Applicant accept the monthly shortfall to be £100.05 per month not £164.85 as stated. The error in the calculation relates to a double deduction of the Letting Agent's fee of £64.80 per month.
- 3.22 The mortgage payments are interest only. The capital of £51,715.93 is due to be repaid by June 2030.
- 3.23 There is no equity in the Property.
- 3.24 The First Applicant is 59 years of age and the Second Applicant is 57 years of age.
- 3.25 With regard to the Applicants not increasing the rent payable by the Respondent, the First Applicant stated that they are not business people. The financial situation relative to the Property had been bolstered by the other two properties and therefore the losses being sustained relative to the Property had not previously been highlighted. It is only now apparent that the situation is a "disaster".
- 3.26 It was safer to have a tenant in the Property than not.
- 3.27 Covid also prevented the rent being increased.
- 3.28 The Applicants elected not to increase the rent more recently as they did not want to give the impression of being happy to carry on with the tenancy. They want to sell the Property.
- 3.29 With regard to the payments previously made by the Applicants to the Respondent in the total sum of £1200 these were made as a goodwill gesture. The Applicants were previously unaware of projects undertaken by the Respondent at the Property and he wanted a contribution towards the cost thereof. The Applicants didn't ask for proof of the costs incurred. The Respondent put his own money into the Property and the Applicants elected to pay one half of his total expenditure.
- 3.30 The other two properties were sold with vacant possession.
- 3.31 The First Applicant stated that they have followed the correct process. The Property was effectively the Applicants' pension but it has not worked out and they want out of the arrangement.
- 3.32 Under cross-examination Mr Anderson for the Respondent stated that as the Applicants are both in full-time employment the tax relative to the Property is efficient. He suggested to the First Applicant that the Applicants must have been making money over the years from the three properties and referred to the float of £8000. The First Applicant said that at the outset interest rates were low and there was a bit of profit from the properties but that is not the case now as interest rates have gone up.
- 3.33 The First Applicant said he does not want to keep the Property at all. The Applicants will not change their minds. They are having to put their own money into the Property each month.
- 3.34 Mr Anderson suggested there was no urgency to sell the Property given that the mortgage is not due for repayment for a further five years or so. The First Applicant referred to the stress that the situation is causing on his married life and that the project is doomed to fail.
- 3.35 Before the Property can be sold he will still require to put in a builder to tidy up the Property. The Property will need to be made attractive to sell.

Evidence of Respondent

- 3.36 Mr Anderson confirmed that the Respondent objects to an eviction order being granted. The Respondent has multiple health issues as a result of which an eviction order should be refused or at least there should be a lengthy delay in any order being effective.
- 3.37 Mr Anderson referred to the Respondent's "active problems" on the patient records lodged in respect of the Respondent.
- 3.38 With regard to the Respondent's gastrointestinal issues, the Respondent said he had good days and bad days. His condition is in the background all the time and his hernia is pressing on other organs which affects his mental health. He just gets on with it.
- 3.39 The Respondent said he has arthritis in both knees and in his back. He cannot go up and down stairs all the time.
- 3.40 He is 61 years of age.
- 3.41 A ground floor flat would be better for him.
- 3.42 He sympathises with the Applicants' position and is not trying to block them from selling the Property.
- 3.43 However in the current market he would require to pay double the rent in order to get a decent property.
- 3.44 With regard to the polyps from which he suffers, the Respondent said they can flare up. They are not operable and are managed by medication. The position is the same with regard to both his to gastric issues and arthritis. His arthritis is worse in the winter.
- 3.45 With regard to his anxiety, this first started when he suffered an attack with the hernia in a taxi. He thought he'd had a heart attack. Two weeks after he was served with the eviction notice from Sheriff Officers.
- 3.46 For two years now the Respondent has been anxious and has been in and out of hospital a few times with that.
- 3.47 With regard to other accommodation, he has been refused elsewhere. He has a dog and is too honest about that.
- 3.48 There is a lack of housing.
- 3.49 When he sees any possible opportunity he applies but it is the landlord's discretion as to who is successful.
- 3.50 He has tried to look for somewhere ever since the Notice to Leave was served and is also on the Council list.
- 3.51 He does not want to go into homeless accommodation.
- 3.52 The private and public sector waiting lists are long.
- 3.53 In the private sector rents have gone up.
- 3.54 He would like the situation resolved as quickly as possible.
- 3.55 He is semi-retired. He used to do property maintenance and now buys and sells furniture etc.
- 3.56 Universal Credit contributes towards his housing costs.
- 3.57 One option is to raise funds for the deposit to purchase the Property from the Applicants.
- 3.58 The Respondent would take a one bedroomed property if it was the right thing to do.
- 3.59 There is a garage at the Property and he has so much stuff he does not know where he would put it. Mr Anderson for the Respondent stated that East Ayrshire Council do not offer any storage. The Respondent would therefore require to pay for storage which would deplete funds available for the deposit.
- 3.60 The Respondent is considering further afield into South Ayrshire. This would give him more scope to find alternative accommodation.

- 3.61 Mr Anderson said he had more sway in South Ayrshire but the Respondent would prefer the current area if possible.
- 3.62 Given a few months Mr Anderson would hope to be able to sort something out for the Respondent.
- 3.63 There is a real strain on accommodation over the winter months.
- 3.64 With regard to a rent increase the Respondent stated he would have been agreeable to that if it reduced the financial strain for the Applicants. He could afford another £50 per month.

Submissions

- 4.1 Ms McKenzie for the Applicants stated that she was disappointed that the Respondent was not happy with their communications. They viewed him as a good tenant and sympathised with his health issues. The Applicants have been patient and have followed the correct process. They should be entitled to an eviction order.
- 4.2 Mr Anderson for the Respondent stated that the only issue is the reasonableness of granting an eviction order. He said the need to sell the Property is not as the Applicants first indicated that the Case Management Discussion and the health conditions of the Respondent should weigh heavily in the consideration of the tribunal. He asked for an eviction order to be delayed.

Findings in Fact

5. The Tribunal made the following findings in fact –
 - 5.1 The Applicants purchased the Property in June 2007 at a price of £60,000.
 - 5.2 The Applicants leased the Property to the Respondent in terms of a Short Assured Tenancy ("the SAT") that commenced on 2 December 2011.
 - 5.3 The initial term of the SAT was for the period to 2 December 2011 to 2 June 2012 and in terms thereof the SAT continued thereafter on a month to month basis.
 - 5.4 The rent is and always has been £400 per month.
 - 5.5 On 12 January 2024, the Applicants served on the Respondent by Sheriff Officer a Notice to Quit and a Notice under Section 33 of the Housing (Scotland) Act 1988 ("the 1988 Act") requiring the Respondent remove from the Property by 2 April 2024.
 - 5.6 The current monthly mortgage payment paid by the Applicants in respect of the Property is £301.73. The mortgage payments are interest only. The capital of £51,715.93 is due to be repaid by June 2030.
 - 5.7 There is no equity in the Property.
 - 5.8 The mortgage payments move with changes in interest rates.
 - 5.9 The First Applicant is a lorry driver and the Second Applicant a nurse.
 - 5.10 The Letting Agent's fee is £64.80 per month.
 - 5.11 The insurance on the Property is £29.17 per month.
 - 5.12 The Applicants previously bought three properties in Scotland and latterly sold two of those properties with vacant possession at a loss. They only have the Property left.
 - 5.13 The Applicants kept the three Scottish properties separate. They operated one account for all three properties.
 - 5.14 The Applicants' accountants are Denmark Forrester. Their fees equate to £46.00 per month. The Applicants submit to the accountants every year details of the day to day running costs of the Property and their earnings from other income in order to calculate the tax that is due to be paid. Costs of damages, repairs etc. are offset against the income from the Property.

- 5.15 The tax bill is paid annually with the last assessment being paid over 12 months at £44.15 per month.
- 5.16 The Legionella assessment is part of the cost of the Gas Safety Record which equates to £7.50 per month.
- 5.17 The landlord registration costs are payable every three years and equate to £2.70 per month.
- 5.18 The cost of the Electrical Certificate equates to £4.00 per month.
- 5.19 The Sheriff Officers' fees for serving the Notice to Quit are £66.17 and are a one-off cost.
- 5.20 Most recently there was a float of £8000 relative to the Scottish properties but that float is now dwindling due to the shortfall each month relative to the Property. The float arose as a result of the other two properties having been sold.
- 5.21 The monthly shortfall between the income from the Property by way of rent and the outgoings associated with the Property equate to a shortfall of £100.05 per month.
- 5.22 The First Applicant is 59 years of age and the Second Applicant is 57 years of age.
- 5.23 The Applicants previously made payments to the Respondent in a total sum of £1200 relative to projects undertaken by the Respondent at the Property. These were paid at the Respondent's request and as a goodwill gesture. expenditure.
- 5.24 At the outset of the SAT interest rates were low and there was some profit from the three properties but that is not the case now as interest rates have gone up.
- 5.25 The Applicants want to sell the Property. They are having to put their own money into the Property each month.
- 5.26 Before the Property can be sold the Property will need to be made attractive to sell.
- 5.27 The Respondent has no arrears of rent.
- 5.28 He is 61 years of age and lives alone in the Property with his pet dog.
- 5.29 He is receipt of Universal Credit which contributes to his housing costs.
- 5.30 The Respondent is semi-retired. He used to do property maintenance and now buys and sells furniture etc.
- 5.31 With regard to the Respondent's gastrointestinal issues, he has good days and bad days. His condition is in the background all the time and his hernia is pressing on other organs which affects his mental health.
- 5.32 The Respondent has arthritis in both knees and in his back. The condition is worse in the winter months. He cannot go up and down stairs all the time. A ground floor flat would be better for him.
- 5.33 With regard to the polyps from which the Respondent suffers, these can flare up. They are not operable and are managed by medication
- 5.34 The Respondent has anxiety which first started when he suffered an attack with the hernia in a taxi. He thought he'd had a heart attack. He has been in and out of hospital a few times with anxiety.
- 5.35 The Respondent has looked for alternative accommodation ever since the Notice to Leave was served and is also on East Ayrshire Council's housing list.
- 5.36 He has applied for alternative accommodation in the private sector without success.
- 5.37 The Respondent does not want to go into homeless accommodation.
- 5.38 The Respondent would like the situation resolved as quickly as possible.
- 5.39 The Respondent would accept a one bedroomed property.

- 5.40 There is a garage at the Property used by the Respondent for storage. East Ayrshire Council do not offer any storage facilities. The Respondent would require to pay for storage if he cannot find other accommodation with storage.
- 5.41 The Respondent is considering alternative accommodation in South Ayrshire.
- 5.42 The Applicants have served on East Ayrshire Council a Notice under Section 11 of the Homelessness etc (Scotland) Act 2003.

Reasons for Decision

6.1 The Tribunal considered the First Applicant and the Respondent both credible and reliable in their evidence.

6.2 The Application proceeds upon Section 33 of the 1988 Act which states:-

"Recovery of possession on termination of a short assured tenancy.

(1) Without prejudice to any right of the landlord under a short assured tenancy to recover possession of the house let on the tenancy in accordance with sections 12 to 31 of this Act, the First-tier Tribunal may make an order for possession of the house if the Tribunal is satisfied—

(a) that the short assured tenancy has reached its ish;

(b) that tacit relocation is not operating;

(d) that the landlord (or, where there are joint landlords, any of them) has given to the tenant notice stating that he requires possession of the house, and

(e) that it is reasonable to make an order for possession."

6.3 At the CMD the Tribunal was satisfied that the SAT has reached its ish and that tacit relocation is not operating. This was accepted by Mr Anderson for the Respondent.

6.4 The Tribunal was also satisfied that the Applicants has given proper notice to the Respondent that they require possession of the Property having regard to the terms of Section 33(2). This was also accepted by Mr Anderson for the Respondent.

6.5 The Tribunal requires to be satisfied that it is reasonable to issue an eviction order in terms of sub-paragraph 1(e). Only the reasonableness of granting an eviction order is a matter of dispute between the parties.

6.6 In *Manson & Dowie v Turner & Turner* (2003) UT 38 referring to the assessment of reasonableness in the context of a Private Residential Tenancy the Upper Tribunal stated:-

"As noted above, the establishment of the facts specified in sub paragraphs 2(a) and (b) of ground 1 is prima facie sufficient to establish that it is reasonable to issue an eviction order under this ground. Where, as here, both the landlord and the tenant put evidence before the FTS in an attempt to establish other facts relevant to reasonableness, its first task is to assess that evidence and make clear findings of fact in relation to it. Having done so, it must then weigh and balance all the relevant facts found by it which bear on reasonableness. This will include the facts specified in sub paragraphs 2(a) and (b). The intentions of the landlord are therefore clearly relevant, and the FTS is entitled if not bound to consider whether they are reasonable. Furthermore the FTS would be entitled, at least in principle, to find that the landlord's intentions outweighed the matters put in evidence by the tenant. Put another way, the

FTS would be entitled in principle to conclude both that the landlord's intentions were subjectively reasonable, and that they made it objectively reasonable to issue an eviction order. The FTS' emphasis in its written reasons on the respondents' intentions is therefore not of itself sufficient to establish that the FTS has departed from the "all the circumstances" approach to which it correctly directed itself. The FTS' errors in this case were in relation to fact finding and in failing to explain why the respondents' interests and intentions outweighed those of the appellants, not its general approach to assessment of reasonableness."

In *Stainthorpe v Carruthers and Swan* (2024) UT 30 in considering the assessment of reasonableness the Upper Tribunal stated:-

"Is it Reasonable to Grant an Order for Possession?"

74. The UTS must establish, consider and properly weigh the "whole of the circumstances in which the application is made" (Barclay v Hannah 1947 S.C. 245 at 249 per Lord Moncrieff) when deciding whether it is reasonable to grant an order for possession.

75. Its decision on reasonableness is not in itself a finding in fact, but instead a concept or conclusion determined by an exercise of judgment (City of Edinburgh Council v Forbes 2002 Hous. L. R. 61, at paragraph 7-16 , per Sheriff Principal Nicholson QC). Its assessment as to whether it is reasonable for the UTS to make an order for possession must take account all relevant circumstances as they exist at the date of the hearing (Cumming v Danson [1942] All ER 653 at 655). It may take into account in assessing reasonableness whether the parties' intentions are subjectively reasonable and it must "objectively balance the rights and interests of both parties" (Manson and Downie v Turner (2003 UT 38 at paragraphs 41 and 42; see also City of Glasgow District Council v Erhaigonoma 1993 S.C.L.R 592).

76. The relevant circumstances on the appellant's side are his legal right to use and dispose of his property as he thinks fit within the constraints of planning and building law, and his subjectively reasonable wish to reconstruct the house for transfer to his stepson for use as a family home. Those on the respondents' side are their long period of occupancy of the house, emotional attachment to it, the age of the second respondent, the reduced state of their health, their difficulties in finding a house to rent of equivalent amenity, the loss of their supportive neighbours, and their subjectively reasonable wish to live in the house indefinitely."

The Upper Tribunal further stated:-

"81. Ultimately, the subjectively reasonable intention of the appellant to reconstruct the house and eventually transfer ownership to his stepson to benefit his stepson and his stepson's wife, and the diminution in the standard of living of the respondents if they are required to remove from the house that they enjoy living in, deserve equal consideration. These are therefore countervailing circumstances.

82. Accordingly, I consider the deciding factor to be that the appellant exercises a right of property, whereby he can use or dispose of the house as he thinks fit. I therefore agree with the appellant's submission that those interests must take precedence over the wishes of the respondents to continue in occupation of the property indefinitely.

83. *The proper balance between the parties' interests can in my opinion appropriately be struck in this case by postponing the date for possession to allow the respondents time to find alternative accommodation, and the appellant time to complete his plans by instructing the contractor, finalising his financial arrangements and obtaining his building warrant. I have so ordered."*

6.7 The Tribunal therefore carefully considered all of the parties' written and oral representations and each of the disputed issues for determination:-

- i. *To what extent are the Applicants financially disadvantaged by continuing to rent the Property to the Respondent and what evidence exists to vouch the outgoings offset against the rent and the reasonableness of such outgoings?*
The Applicants produced and the First Applicant spoke to a spreadsheet of income and outgoings associated with the Property. The resultant loss each month is currently £100.05. The type and value of each outgoing was not challenged by the Respondent and were considered by the Tribunal to be reasonable.
- ii. *When is the mortgage due to Birmingham Midshires due to be repaid and in what amount?*
The mortgage is due to be repaid in June 2030 in a sum of £51,715.93.
- iii. *Have the Applicants withdrawn equity in the Property subsequent to their purchase of the Property and, if so, when and to what extent?*
The Applicants have not withdrawn any equity from the Property.
- iv. *Have the Applicants explored remortgaging the Property and, if so, in what manner and with what result?*
The Applicants do not wish to remortgage the Property. The First Applicant is 59 years of age. He hopes to retire in 2025. The Second Applicant is 57 years of age and hopes to retire in 2 years.
- v. *What evidence exists vouching the Respondent's health conditions as described?*
The Respondent produced vouching of his health conditions in the form of a "Medical Record Printout" dated 5 December 2024 which narrated "Active problems" about which the Respondent gave oral evidence too.
- vi. *To what extent has the Respondent made reasonable efforts to secure alternative accommodation and with what result?*
The Respondent has made efforts to find alternative accommodation to include his pet dog without success. Having to accommodate the dog is making the search more difficult. He applies for every opportunity in the private sector. He is also on the Council list. He is widening his search to South Ayrshire. Mr Anderson stated that given a few months he'd hope to be able to find accommodation for the Respondent.
- vii. *To what extent would the grant of an eviction order impact negatively upon the Respondent?*
The Respondent may have difficulty securing alternative accommodation of the type, at a rent and in the location of his choice. He may need to relocate to

South Ayrshire. He may be unable to keep his pet dog. He may require to go into homeless accommodation at least on a temporary basis. He may require to pay for storage for his belongings currently stored in the garage of the Property.

- viii. *Balancing the interests of the Applicants and the Respondent, is it reasonable to issue an eviction order?*

The Tribunal carefully weighed and balanced all the relevant facts found by it which bear on reasonableness.

The Tribunal is satisfied that the Applicants intend to sell the Property as soon as vacant possession is recovered. The Tribunal is satisfied that the Applicants intend to sell the Property due to it making a financial loss each month of £100.05. They would like to do so as soon as possible. The Applicant's are subsidising the Respondent's ongoing occupation of the Property thereby depleting their own resources. That was never their intention.

The Tribunal understood too the Respondent's desire to remain in occupation of the Property due to his health conditions which were not in dispute, the fact his pet dog can stay with him and given the storage facilities the Property provides. He has made efforts to find alternative accommodation to include his pet dog without success. Having to accommodate the dog is making the search more difficult. He is widening his search to South Ayrshire. The Respondent offered to pay an additional £50 to top up the rent each month to assist the Applicants. However, the tenancy of the Property would continue to be loss making even in that scenario.

Both parties' positions deserve equal consideration. However, the Applicants desire to sell the Property to extract themselves from a situation where they subsidise the Respondent's occupation of the Property each month is subjectively reasonable and their legal right to dispose of the Property for that purpose must take precedence over the Respondents' genuine desire to continue in occupation of the Property given his needs and the difficulties he has experienced in finding accommodation elsewhere. Indeed in his concluding submissions, Mr Anderson for the Respondent asked that the enforcement of any eviction order be delayed, not that the eviction order be refused.

On that basis the Tribunal concludes that it is reasonable to grant an eviction order.

- 6.8 Having reached the decision to grant an eviction order the Tribunal carefully considered whether to delay the execution of the eviction order in terms of Rule 16A(d) of the First-tier Tribunal Housing and Property Chamber Rules of Procedure 2017. The Tribunal concluded that it is reasonable to provide the Respondent with an extended period of time to secure alternative accommodation. Whilst the Applicants sustain a loss each month relative to the income from and outgoings associated with the lease of the Property that loss is relatively modest and is presently being funded by the "float" that they hold. There is no immediate urgency to sell the Property. The Respondent has significant health issues and these justify him having an extended period to secure suitable accommodation with Mr Anderson's support. Accordingly, the

Tribunal determined that the order cannot be enforced for a period of 6 months from date of the Hearing.

Determination

6.9 The Tribunal determined that an eviction order should be granted against the Respondent in favour of the Applicants suspended to 12 noon on 19 June 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.

Legal Member:

Date: 15 January 2025

Gillian Buchanan