



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 51 of the Private Housing (Tenancies)(Scotland) Act 2016**

**Chamber Ref: FTS/HPC/EV/24/0259**

**Re: Property at Flat 9, Dalziel Court, 54 Dalziel Drive, GLASGOW, G41 4NZ ("the Property")**

**Parties:**

**Ms Suzanne Nicol, 10 Buxton Road, LONDON, SW14 8SY ("the Applicant")**

**Ms Jacqueline MacKay, Flat 9, Dalziel Court, 54 Dalziel Drive, GLASGOW, G41 4NZ ("the Respondent")**

**Tribunal Members:**

**Gillian Buchanan (Legal Member) and Elizabeth Dickson (Ordinary Member)**

**Decision**

- 1.1 At the Hearing, which took place by telephone conference on 12 February 2025, the Applicant was in attendance and was represented by Mr Carswell of JLC Property Lettings. The Respondent was also present.
- 1.2 Prior to the Hearing Mr Carswell on behalf of the Applicant had lodged documents by email dated 31 January 2025.

**Background**

- 2.1 A CMD had previously taken place on 21 November 2024. The CMD was adjourned to a Hearing to enable the Tribunal to reach a view on whether it would be reasonable to issue an eviction order having regard to the parties' opposing submissions at the CMD.
- 2.2 In the Notes of the CMD "Issues to be Resolved" were identified for the Hearing.

**Hearing**

- 3.1 At the outset of the Hearing the Tribunal asked the Respondent if she was still opposing the grant of an eviction order.
- 3.2 The Respondent stated that she did not know if she was really opposing the eviction order. She referred to the fairness of that course. She appreciated why the Applicant seeks to recover possession of the Property. She said she was finding the situation so stressful and had suffered a panic attack and was feeling ill as a result.

- 3.3 The Respondent said she had been on public sector housing lists for 3 years. She would not take a private let again. She is desperate to move from the Property but needs funds for a deposit and for rent and she is still looking for work, having worked only 1 week since the CMD. She also made reference to repair issues at the Property.
- 3.4 The Respondent indicated she would consent to an eviction order being granted.
- 3.5 The Tribunal then considered with the parties the prospect of the enforcement of any eviction order being suspended in terms of Rule 16A(d) of the First-tier Tribunal Housing and Property Chamber Rules of Procedure 2017 which would allow the Respondent an extended time to find alternative accommodation.
- 3.6 Mr Carswell for the Applicant said he was content to leave that decision to the Tribunal but the Applicant wanted the eviction order as quickly as possible.
- 3.7 The Tribunal adjourned briefly to consider the position.
- 3.8 the Tribunal concluded that it is reasonable to provide the Respondent with an extended period of time to secure alternative accommodation. She is 66 years of age.
- 3.9 The Tribunal therefore determined to grant the eviction order of consent, but suspended the period for enforcement of that order from 30 days to 60 days.
- 3.9 The Tribunal's determination was intimated to the parties and the Respondent was encouraged to make the local authority aware of the Tribunal's decision immediately.

### **Decision**

The Tribunal, with the consent of the Respondent, granted an eviction order against the Respondent in favour of the Applicant with execution of that order delayed until 12noon on 14 April 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

**12 February 2025**  
Date