



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 33 of the Housing (Scotland)
1988**

Chamber Ref: FTS/HPC/EV/24/4182

Re: Property at 145 Sighthill Drive, Edinburgh, EH11 4QF (“the Property”)

Parties:

**Mr Daniel Corney, Ms Audrey McCracken, 6 Baberton Mains Wood, Edinburgh,
EH14 3DU (“the Applicant”)**

Ms Hollie Jeffery, 145 Sighthill Drive, Edinburgh, EH11 4QF (“the Respondent”)

Tribunal Members:

Alison Kelly (Legal Member) and Angus Lamont (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for eviction can be made.

1. On 6th September 2024 the Applicant lodged an Application with the Tribunal under Rule 66 of the First Tier Tribunal for Scotland (Housing and Property Chamber Rules of Procedure) 2017 (“The Rules”), seeking an order to evict the Respondent from the property.
2. Lodged with the application were: -
 - a. Short Assured Tenancy Agreement dated 30th April 2015 and initially running from 30th April 2015 to 30th April 2016 and monthly thereafter, and with monthly rent of £625
 - b. AT5 Notice dated 30th April 2015;
 - c. Notice to Quit dated 18th June 2024 for 30th August 2024
 - d. Section 33 Notice dated 18th June 2024 for 30th August 2024
 - e. Sheriff officer’s Certificate of Service of 3 and 4
 - f. Section 11 Notice and proof of service.

3. The Application was served on the Respondent by Sheriff Officers on 25th February 2025.
4. On 26th March 2025 the Applicants' solicitor lodged an affidavit by the First Named Applicant setting out the reasons why they wanted to evict the Respondent and sell the property.
5. On 4th April 2025 the Respondent's representative lodged a Written Submission on her behalf consenting to the eviction order and asking that it be postponed for a period of three months. The Submission contained details about the Respondent, her family circumstances, and reasons for asking for the postponement.

Case Management Discussion

6. The Case Management Discussion ("CMD") took place by teleconference. The Applicants dialled in, and were represented by Mr Gardiner of Lindsays, Solicitors. The Respondent also dialled in, and was represented by Mr Wilson of CHAI.
7. The Tribunal explained the purposes of a CMD in terms of Rule 17 of the Rules.
8. The Tribunal confirmed with Mr Wilson that the Respondent's position remained the same, that she would consent to the order for eviction if it was postponed for a period of three months.
9. Mr Gardiner confirmed that he had had an opportunity to take instruction from his client and they were in agreement with the Respondent's proposal.

Findings in Fact

- i. The parties entered into a Short Assured Tenancy Agreement in respect of the property;
- ii. The tenancy commenced on 30th April 2015, with the initial term being from 30th April 2015 to 30th April 2016, and monthly thereafter;
- iii. Notice To Quit and Section 33 Notice were served timeously and correctly;
- iv. The Application was served on the Respondent by Sheriff Officer on 25th February 2025;
- v. The parties agreed that the order should be granted, and extract should be postponed for a period of three months.

Reasons For Decision

10. The parties reached agreement. In all the circumstances the Tribunal considered that the agreement was fair and reasonable in relation to both parties.

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.

Alison Kelly

Legal Member/Chair

Date : 07.04.2025