



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Application for Review under Rule 39 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“The Regulations”) in relation to an Application for a Review by the Respondent.

Property: 36 Newhouse Way, Girdle Toll, Irvine, KA11 1PW

Parties:

Siberite Mortgages Limited, The Pavilions, Bridgewater Road, Bristol, BS13 8AE (“the Applicant(s)”)

Miss Annmarie Morrison, 36 Newhouse Way, Girdle Toll, Irvine, KA11 1PW (“the Respondent(s)”)

Tribunal Members:

Andrew McLaughlin (Legal Member) and Mary Lydon (Ordinary Member)

Decision

[1] The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) grants the Application for a Review.

Background

[2] At a Case Management Discussion which took place on 23 April 2025, the Tribunal granted the Application and made an Eviction Order. The Tribunal produced a written decision with statement of reasons dated 23 April 2025 (“the Decision”).

[3] By email dated 2 May 2025, The Respondent’s newly appointed representative has now applied for a review of that Decision under Rule 39 of the Rules (“The Review”).

The Rules

[4] Rule 39 is in the following terms:

Review of a decision



39.—(1) *The First-tier Tribunal may either at its own instance or at the request of a party review a decision made by it except in relation to applications listed in rule 37(3)(b) to (j)(7), where it is necessary in the interests of justice to do so.*

(2) *An application for review under section 43(2)(b) of the Tribunals Act must—*

(a) be made in writing and copied to the other parties;

(b) be made within 14 days of the date on which the decision is made or within 14 days of the date that the written reasons (if any) were sent to the parties; and

(c) set out why a review of the decision is necessary.

(3) *If the First-tier Tribunal considers that the application is wholly without merit, the First-tier Tribunal must refuse the application and inform the parties of the reasons for refusal.*

(4) *Except where paragraph (3) applies, the First-tier Tribunal must notify the parties in writing—*

(a) setting a time limit for any response to the application by the other parties and seeking the views of the parties on whether the application can be determined without a hearing; and

(b) may at the discretion of the First-tier Tribunal, set out the First-tier Tribunal's provisional views on the application.

(5) *In accordance with rule 18, the decision may be reviewed without a hearing.*

(6) *Where practicable, the review must be undertaken by one or more of the members of the First-tier Tribunal who made the decision to which the review relates.*

(7) *Where the First-tier Tribunal proposes to review a decision at its own instance, it must inform the parties of the reasons why the decision is being reviewed and the decision will be reviewed in accordance with paragraph (4) (as if an application had been made and not refused).*

(8) *A review by the First-tier Tribunal in terms of paragraph (1) does not affect the time limit of 30 days in regulation 2(1) of the Scottish Tribunals (Time Limits) Regulations 2016(8) for making an application for permission to appeal.*

Basis of the Review

[5] The Review does not challenge the decision to make an Eviction Order itself but instead simply requests that the Eviction Order may not be enforced until 24 July 2025. The Review provides reasons as to why this would be in the interests of justice. Reference is made to the Respondent having caring responsibilities for grandchildren and physical disabilities.

[6] The Applicant was invited to make representations regarding the Review and they responded confirming that it was not opposed. The Tribunal considers that it is in the interests of justice to allow the Respondent more time to find alternate accommodation. Accordingly, the Tribunal grants the Application for a Review to the extent of determining that the Eviction Order previously granted may not be enforced until 24 July 2025. A



revised Order will be produced to that effect with the previous order granted being set aside.

Right of Appeal

[7] 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.

Andrew McLaughlin

Legal Member

28 May 2025