



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/24/4007

Re: Property at 42a East Fountainbridge, Edinburgh, EH3 9BH ("the Property")

Parties:

Mr Alexander Poole, 12 Merlewood Road, Seamill, West Kilbride, KA23 9HR ("the Applicant")

Mr Gregory Myles, 42a East Fountainbridge, Edinburgh, EH3 9BH ("the Respondent")

Tribunal Members:

Gillian Buchanan (Legal Member) and Ann Moore (Ordinary Member)

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

Decision

At the Case Management Discussion ("CMD") which took place by telephone conference on 19 May 2025 the Applicant was not in attendance but was represented by Mr Colin Duck of The McKinstry Company. The Respondent was present.

Prior to the CMD the Tribunal had received from the parties additional documentation as follows:-

From the Applicant 's representative–

- *Emails (x2) dated 9 May 2025 with attachments; and*
- *Email dated 12 May 2025 with attachments.*

From the Respondent –

- *Email dated 21 March with attachments; and*
- *Email dated 11 May with attachments.*

Further at 9.20am on the morning of the CMD the Tribunal received a further email from the Applicant's representative indicating that the parties had agreed settlement terms to resolve all matters which would be set out during the CMD.

The CMD

At the outset of the CMD Mr Duck stated that the parties had agreed that an eviction order would be granted against the Respondent in favour of the Applicant with enforcement suspended to 1 August 2025. The Respondent agreed this to be the case.

The Tribunal raised with the parties that in granting an eviction order the paperwork required that a Ground of eviction be stated. After discussion between the parties they agreed that the eviction order should be granted on the basis of Ground 3 of Schedule 3 of the 2016 Act.

In light of the parties having reached agreement on the granting of an eviction order of consent, the Tribunal did not require to make any further determination of the application per se or the basis therefore.

Decision

The Tribunal grants an eviction order against the Respondent in favour of the Applicant in terms of ground 3 of Schedule 3 of the 2016 Act with enforcement of the order suspended until 1 August 2025 in terms of Rule 16A(d) of the First-tier Tribunal Housing and Property Chamber Rules of Procedure 2017.

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

Legal Member/Chair

19 May 2025
Date