



**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/24/5831

Re: Property at 34 Moray Street, Lossiemouth, IV31 6JA (“the Property”)

Parties:

Mr James Stewart, 17 School Brae, New Pitsligo, Fraserburgh, AB3 6LQ (“the Applicant”)

Mr George Frederick, Mrs Lillias Frederick, 34 Moray Street, Lossiemouth, IV31 6JA (“the Respondent”)

Tribunal Members:

Lesley-Anne Mulholland (Legal Member) and Gerard Darroch (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted an Order for Possession not be executed prior to 12 noon on 15 October 2025

1. This is an application under Section 33 of the Housing (Scotland) Act 1988 (“the Act”) for possession of the Property on termination of a Short-Assured Tenancy. The application was made in terms of Rule 66 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Regulations”). Supporting documentation was submitted with the application, including a copy of the Tenancy Agreement, AT5, Notice to Quit, Section 33 Notice and Section 11 Notice to the local authority.
2. The Applicant is the Landlord and owner of the property. The Respondents are the Tenants.
3. A two-member Case Management Discussion (CMD) took place at 2pm on 15 July 2025 by teleconference. The Applicant’s Representative, Mr Livingstone,

joined the hearing. The 2nd Respondent attended and was represented by Mrs Hayward.

4. The Respondents did not oppose the granting of the Order. They asked for the Order not to be executed prior to 12 noon on 15 October 2025. They have been long term Tenants, are elderly and disabled. The Applicant agrees not to execute the Order prior to 12 noon on 15 October 2025
5. Accordingly, the Parties having reached agreement by consent, we decided to grant the Order for Possession in the terms agreed by consent described before.

Decision

An Order for Possession is granted. The Order shall not be executed prior to 12 noon on 15 October 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.

L.A-Mulholland

15 July 2025

Legal Member