

**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/24/5522

Property: 87 Ladywell Avenue, Edinburgh EH12 7LL ("Property")

Parties:

**Mactaggart & Mickel Homes Ltd, 1 Robertson Street, Glasgow G2 8JB
("Applicant")**

**DJ Alexander, John Cotton Business Centre, 10 Sunnyside, Edinburgh EH7 5RA
("Applicant's Representative")**

Hannah Mason, 87 Ladywell Avenue, Edinburgh EH12 7LL ("Respondent")

**CHAI, 28 Westfield Avenue, Edinburgh EH11 2QH ("Respondent's
Representative")**

Tribunal Members:

Joan Devine (Legal Member)

Helen Barclay (Ordinary Member)

Decision

**The First-tier Tribunal for Scotland (Housing and Property Chamber)
("Tribunal") determined that an order for possession of the Property should be
made.**

Background

The Applicant sought recovery of possession of the Property. The Applicant had lodged Form E. The documents produced were: Short Assured Tenancy Agreement which commenced on 18 March 2015; AT5 dated 11 March 2015; Notice to Quit dated 10 September 2024 and Notice in terms of section 33 of the Housing (Scotland) Act 1988 ("1988 Act") dated 10 September 2024, both addressed to the Respondent; sheriff officer certificate of service on 13 September 2024; notification to the Local Authority in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003 with covering email and sheriff officer execution of service confirming service of the application on the Respondent on 2 April 2025. On 23 June 2025 the Respondent's

Representative lodged a written representation in which they stated that the application was not opposed but sought a delay in enforcement of any order granted.

Case Management Discussion (“CMD”)

A CMD took place before the Tribunal by conference call on 25 June 2025. The Applicant was represented by Ben Alexander and Lynsey Burr of the Applicant’s Representative. The Respondent was represented by Sam Donegan of the Respondent’s representative.

The Tribunal noted the written representation received from the Respondent’s Representative in which it was explained that the Respondent was a single parent with two children aged 14 and 9. The representation explained that the 14 year old has significant behavioural needs and the 9 year old receives targeted support at her local primary school for anxiety and emotional regulation each morning. It was further explained that the Respondent cares for her grandson who has bronchiolitis three nights each week. The representation explained the challenges faced by the Respondent seeking alternative accommodation in the Edinburgh area particularly during August and September.

Mr Alexander confirmed the Applicant had received a copy of the representation. He said that the Applicant wanted to work with the Respondent, who had been a good tenant. He said that the Applicant was happy to be flexible and had no problem with the enforcement date of any order granted being extended to 25 September 2025 as had been proposed by the Respondent’s Representative. He said that the Applicant wished to sell as they are looking to wind down their portfolio.

Findings in Fact

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent entered into a short assured tenancy agreement which commenced on 18 March 2015.
2. The tenancy was for the period 18 March 2015 to 18 September 2015 and month to month thereafter.
3. A Notice to Quit dated 10 September 2024 was served on the Respondent on 13 September 2024 stating that the tenancy would terminate on 18 November 2024.
4. A Notice in terms of Section 33 of the 1988 Act dated 10 September 2024 was served on the Respondent on 13 September 2024 stating that possession of the property was required on 18 November 2024.

5. The tenancy reached its *ish* on 18 November 2024 and is not continuing by tacit relocation.
6. Notification was provided to the Local Authority in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003.

Reasons for the Decision

The Tribunal determined to make an Order for possession of the Property in terms of Section 33 of the 1988 Act. The Tribunal noted that the tenancy had been properly created as a short assured tenancy and that a Section 33 Notice and Notice to Quit had been served on the Respondent giving two months' notice that the Applicant required possession of the Property.

The Respondent did not oppose the grant of an order for possession. Having considered all of the circumstances, the Tribunal determined that it was reasonable to grant and order for possession of the Property but to delay enforcement of the order until 25 September 2025.

Decision

The Tribunal grants an Order for possession of the Property but to delay enforcement until 25 September 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.

Joan Devine

Legal Member

Date : 25 June 2025