



**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/23/0924**

**Re: Property at 4 Cartbank Grove (2/2), Glasgow, G44 3JD ("the Property")**

**Parties:**

**Nevis Properties Ltd, 6th Floor Gordon Chambers, 90 Mitchell Street, Glasgow, G1  
3NQ ("the Applicant")**

**Ms Linda McLellan or Mackenna and Mr David Mackenna, residing together at 4  
Cartbank Grove (2/2), Glasgow, G44 3JD ("the Respondents")**

**Tribunal Members:**

**Gillian Buchanan (Legal Member) and Elaine Munroe (Ordinary Member)**

**Decision**

At the Hearing, which took place by telephone conference on 10 November 2025, the Applicant was represented by Mr Raphael Bar of DJ Alexander. The First and Second Respondents were also in attendance and were represented by Ms Lorna Walker of Govan Law Centre.

**The Hearing**

At the outset of the Hearing Ms Walker for the Respondents intimated that the parties had reached an agreement.

She explained that the Respondents had viewed a property in Busby on Thursday last week offered to them by East Renfrewshire Council and had subsequently accepted that offer.

Considerable repairs are needed to the property but the Council has indicated it will address these urgently and by the end of the month. The property is on the ground floor and close to their 9 years old grandson's school.

The Respondents are therefore prepared to consent to an eviction order being granted.

Due to the health issues of the First Respondent and their care of their grandson it will take the Respondents longer to move than might otherwise be the case therefore the parties have agreed that enforcement of the eviction order be suspended for a period of around 12 weeks.

If the Respondents are able to move out earlier they will do so but it will not be possible to move out before Christmas.

Mr Bar for the Applicant confirmed the foregoing to reflect an agreed position and the parties representatives settled on the eviction order being suspended to 12 noon on 9 February 2026.

**The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that, of consent, an eviction order would be granted against the Respondents in favour of the Applicant suspended to 12 noon on 9 February 2026 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.**

# G.Buchanan

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**Legal Member/Chair**

**10 November 2025**  
**Date**