



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under the Housing (Scotland) Act 1988 (the 1988 Act) and Rule 65 of The First-tier Tribunal for Scotland Housing and Property Chamber (Rules of Procedure) Regulations 2017 (the 2017 Rules)

Chamber Ref: FTS/HPC/EV/24/4234

Re: Property at 11 Ritchie Street, Millport, KA28 0AL (“the Property”)

Parties:

Mr Michael Mangan and Mrs Rose Anne Mangan, 334 Millfield Hill, Erskine, PA8 6JN (the Applicants)

TC Young, Solicitors, 7 West George Street, Glasgow, G2 1BA (the Applicant’s Representative)

Mr Alexander Lindsay, 11 Ritchie Street, Millport, KA28 0AL (the Respondent)

**Taylor and Henderson, Solicitors, 51 Hamilton Street, Saltcoats, Ayrshire, KA21 5DX
(the Respondent’s Representative)**

Tribunal Members:

**Ms Susanne L. M. Tanner K.C. (Legal Member)
Ms Jane Hepenstall (Ordinary Member)**

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (the tribunal): on the basis of the terms agreed by the parties’ representatives, made an order for possession in terms of Grounds 13 and 14 in Schedule 5 of the 1988 Act, with the date for enforcement delayed until 31 March 2026.

The decision of the tribunal was unanimous.

Statement of Reasons

1. The Applicants' Representative made an application to the tribunal on 11 September 2024, in terms of Section 18 of the Housing (Scotland) Act 1988 (the 1988 Act) and Rule 65 of the First-tier Tribunal for Scotland Housing and Property Chamber (Rules of Procedure) Regulations 2017 (the 2017 Rules).
2. The tribunal's administration obtained the Title Sheet to the property which shows that the Applicants have been the registered proprietors of the Property since 1 April 2019 and 4 June 2014, respectively.
3. The Application was accepted for determination and a Case Management Discussion (CMD) was fixed for 26 November 2025 at 1000 by teleconference.
4. Both parties were notified by letter of the date, time and place of the CMD and told that they were required to attend. Parties were also advised in the same letter that the tribunal may do anything at a CMD which it may do at a hearing, including making a decision on the Application, which may involve making or refusing an eviction order. If parties do not attend the CMD this will not stop a decision or order being made by the tribunal if the tribunal considers that it has sufficient information before it to do so and the procedure has been fair. The Respondent was asked to submit any written representations to the tribunal's offices by a specified date.
5. On 25 November 2025, the tribunal was sent correspondence which had been sent to the tribunal's administration on 24 November 2025 by the legal representatives of both parties. The Applicant's Representative advised that *'Following discussions with the Respondent's solicitor, I am pleased to advise parties have reached a settlement whereby the Respondent consents to an eviction order with delayed extract until 31 March 2026 with the purpose of permitting the Respondent time to transition to alternative accommodation.'* The Respondent's Representative confirmed agreement to the proposal in her email. Both representatives asked that the tribunal give effect to the agreement without the necessity for their attendance at the scheduled CMD on 26 November 2025, requesting that it be dealt with administratively if possible.
6. The tribunal considered the representatives' correspondence and the most appropriate further procedure. Given that the CMD was due to take place the following day and that the parties were seeking that that the tribunal make an eviction order in agreed terms, the tribunal excused both legal representatives' attendance at the CMD scheduled for the following day and they were informed by the tribunal's administration.

Case Management Discussion (CMD): 26 November 2025 at 1000 by teleconference

7. Both representatives' attendance at the CMD had been excused, for the reasons given above.

Discussion

8. The tribunal decided to give effect to the terms agreed by the representatives and made an order for possession under grounds 13 and 14 of Schedule 5 of the 1988 Act, with delayed date for enforcement of 31 March 2026.

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.

26 November 2025

**Ms. Susanne L. M. Tanner K.C.
Legal Member/Chair**