



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland  
(Housing and Property Chamber) under Section 51(1) of the Private Housing  
(Tenancies) (Scotland) Act 2016**

**Chamber Ref: FTS/HPC/EV/25/2010**

**Re: Property at 14 Cameron Crescent, Glenrothes, Fife, KY6 1EW (“the Property”)**

**Parties:**

**Susan Norma Bayne, Graham Patrick Bayne, B 14 High Road Auchtermuchty, Cupar, Fife, KY14 7BE; B 14 High Road Auchtermuchty Cupar, Fife, KY14 7BE (“the Applicant”)**

**Chelsea Whitnall, Martin Steven McAuley, 14 Cameron Crescent, Crescent, Glenrothes Fife, KY6 1EW (“the Respondent”)**

**Tribunal Members:**

**Mark Thorley (Legal Member) and Gerard Darroch (Ordinary Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order of eviction be granted but with implementation delayed until 30 April 2026.**

- Background

The applicant applied to the tribunal for an order of eviction on the basis of ground 1 namely that the property was to be sold. The application was dated 9 May 2025. The application was accompanied by various documents including the notice to leave with proof of service, letter from Yourmove and section 11 notice and email to Fife Council.

The application was accepted for determination on 9 June 2025 and served personally by sheriff officers on 8 October 2025.

- The Case Management Discussion

At the case management discussion Ms Wooley solicitor represented the applicant and Mr McAuley the respondent attended.

Mr McAuley set out that he and his partner were not opposed to the order being granted but needed more time to secure alternative accommodation from the local authority. There are 2 children aged 10 and 7. The 10 year old daughter is severely autistic. The respondent has been attempting to obtain accommodation for over 12 months. He did not wish to enter in to temporary accommodation if at all possible as it would be upsetting for his older daughter. He had given up work to look after his children and he and his partner were now compelled to seek local authority housing. He wished a period of 6 months to obtain accommodation.

The applicant set out that the notice to quit had been served on 21 January 2025 and had expired on 18 April 2025 and that accordingly there had been a sufficient period to obtain accommodation by the time of the hearing.

- Findings in Fact

1. The parties had entered into a tenancy agreement for the rent of the property.
2. The applicant wished to sell the property.
3. The respondent has 2 children one of whom is autistic.
4. The respondent has attempted to secure alternative accommodation through the local authority.

- Reasons for Decision

There was no dispute between the parties that an order for eviction be granted. The respondent needed an order to provide to the local authority to secure accommodation. Due to the requirements of his oldest daughter change is difficult and the respondent would prefer not to have to move in to temporary accommodation. He wished as long a period as possible to attempt to secure alternate accommodation.

The applicant indicated that the respondent had already had a significant period of time to obtain alternative accommodation. The tribunal accepted that the respondent had been trying to obtain accommodation.

The respondent wished a further period of 6 months. The tribunal took the view that a period of deferment was appropriate but restricted this to 30 April 2026.

- Decision

To make an order of eviction but with implementation delayed until 30 April 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.**

# M Thorley

**17.11.25**

**Legal Member/Chair**

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**Date**