



**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/25/2029

Re: Property at 43 Bishops Park, Inverness, IV3 5SZ (“the Property”)

Parties:

Mr Michael Philip Saunders Halley, West Lodge, Belton, Munlochy, IV8 8PF (“the Applicant”)

Ms Agnieszke Luczak, 43 Bishops Park, Inverness, IV3 5SZ (“the Respondent”)

Tribunal Members:

Mark Thorley (Legal Member) and Eileen Shand (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order of eviction should be granted but with implementation delayed until 31 January 2026

- Background
 1. The Applicant applied to the First-Tier Tribunal for Scotland by application dated 13 May 2025 seeking an order of eviction.
 2. Accompanying the application was a copy of the lease dating back to 2009, a variation letter dated 1 September 2010, a variation letter dated 8 October 2011, confirmation of the Applicant as the executor to the estate of his late wife, notice to quit, notice of requirement to take possession of the property and section 11 notice.
 3. This is a long standing tenancy, the tenancy agreement having been signed on 25 February and 3 March 2009, and the respondent having been in the property since 2009.

4. The late Mrs Hally died on 1 June 2024. Her husband, the Applicant, wished to recover the property and subsequently to sell the property.
5. The application was accepted for determination on 14 July 2025.
6. It was served by sheriff officers on 23 October 2025.

- Case Management Discussion
 1. At the Case Management Discussion, Mr Smith, solicitor appeared on behalf of the Applicant. The Respondent attended as well.
 2. The Respondent indicated that she had been looking for local authority for accommodation. She had received one offer but it was not suitable for her rheumatology. It appeared that the stairs were too steep.
 3. She lived at her current accommodation with her partner and her 15 year old son. She did not oppose the eviction order being granted but wanted to obtain local authority housing. She appreciated that it was unknown as to when she might receive permanent accommodation. She accepted she may have to go into temporary accommodation.
 4. The only issue was as to when the order should be granted from. Standing the date of the Case Management Discussion and the impending shutdown for the festive period, it was thought that the order should not be granted until the end of January.
- Findings in Fact
 1. The parties entered into a tenancy agreement for the rental of the property dated 25 February and 3 March, both 2009. The property was formerly owned by the late Wilma Halley who died on 1 June 2024.
 2. The Applicant was her widower and the executor of her estate.
 3. The Applicant wished to recover the property in order to sell it.
 4. The Respondent lived at the property along with her partner and 15 year old son. She and her partner were in employment.
- Reasons for Decision
 1. There did not appear to be any opposition to the granting of the order. The Respondent's position was that she understood the reason why the Applicant wanted to recover the property. She had been a long term tenant at the property, for more than 16 years. She just wanted to obtain suitable alternative accommodation for herself and her family. She had received one offer for permanent accommodation from the local authority but it was not suitable. She did not know when she would receive another offer.

2. The Tribunal took the view that, standing the impending shutdown over the festive period that it would not be appropriate to grant an order under the usual course, but rather, a period until the end of January to allow the local authority to re-house the Respondent.
3. The Tribunal accepted that the paperwork was in order. The Tribunal noted there was no AT5, but were of the view that this was not necessary, standing the terms of the lease.
4. Accordingly, the Tribunal's view was that an order should be granted for eviction, but with delayed implementation until 31 January 2026.

- Decision
 1. To grant an order of eviction, delayed until 31 January 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.

Mark Thorley

Mark Thorley

Legal Member/Chair

12 December 2025

Date