



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/22/2891

Re: Property at 38 Trinity Avenue, Glasgow, G52 3ES (“the Property”)

Parties:

Mr Lindsay Bloomfield, Mrs Frances Bloomfield, 60 Atholl Drive, Giffnock, G46 6QP (“the Applicants”)

Miss Nicola Caldwell, 38 Trinity Road, Glasgow, G52 3ES (“the Respondent”)

Tribunal Members:

Ms H Forbes (Legal Member) and Mrs M Lyden (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for eviction should not be granted.

Background

1. This is an application dated 15th August 2022 and made under Rule 109 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017. The Applicants are the owners of the Property and the Respondent is the tenant in terms of a tenancy agreement that commenced on 28th June 2018.
2. The Applicants are seeking an eviction order in respect of the Property under ground 1, namely that they intend to sell the Property. Notice to Leave dated 19th May 2022 was served by email on the same date, requiring the Respondent to leave the Property by 14th August 2022. The Applicants’ representative lodged the tenancy agreement, Notice to Leave, section 11 notice, and evidence of service of notices.
3. A Case Management Discussion (“CMD”) took place by telephone conference on 11th January 2023. The Applicants were not in attendance and were represented by Ms Lesley Morrison, Rentahome Scotland Ltd. The Respondent was in attendance. Ms Morrison said the Applicants required to sell the Property due to their financial circumstances. The cost-of-living crisis,

increases in interest rates and insurance, which had also affected the property in which they live, had meant they could no longer afford to rent out the Property. Ms Morrison said the Applicants' income was not meeting their expenditure, and confirmed that the Property was mortgaged. Responding to questions from the Tribunal, Ms Morrison said there were currently no rent arrears, but there had been arrears in the past. The arrears were not connected to the application for an eviction order.

4. The Respondent was opposed to the order on the grounds of reasonableness. She had lost her job during Covid and got into rent arrears, but she has now paid those in full. The rent is covered in full every month. The Respondent is now in employment and works three days each week. She has two children, a boy aged 9 and a girl aged 15. She has been told she will be at least two years on the social housing waiting list, despite being classed as homeless. She is on several lists. She has been told by social housing providers that this is a difficult time as many landlords are trying to sell their properties and this has had an effect upon homeless numbers. She requires three bedrooms. She is on the maximum number of points. The Respondent said her daughter is self-harming and threatening suicide due to the stress of having to move from the Property. This has been confirmed by her daughter's pastoral care teacher. Her daughter is settled in school and is in fourth year. She has exams this year. It would be detrimental to her to have to move at this time. Her daughter is on the waiting list for an appointment with Child and Adolescent Mental Health Services ("CAMHS").
5. The Respondent said her employer had offered to buy the Property with a sitting tenant, but the Applicants had refused. Responding to questions from the Tribunal, the Respondent said she phoned the letting agent herself and was told the Applicants were not interested as they wished to put the Property on the open market.
6. The Tribunal continued matters to a hearing on reasonableness. The Respondent was advised to produce evidence to support her position, and to take further housing advice. Parties were instructed to lodge all evidence and witness lists no later than 14 days before the hearing.
7. By email dated 10th March 2023, a new representative for the Applicants lodged a Minute of Amendment stating that the Applicants no longer wished to act as private landlords in respect of the Property because they are suffering from ill-health. The conditions from which they suffer were outlined and it was stated that they expect the physical and emotional burden on Mrs Bloomfield of caring for Mr Bloomfield to increase.
8. By email dated 24th March 2023, the Applicants' representative lodged written representations, and an inventory of productions, comprising a solicitor's letter confirming intention to sell, copy Title Deed, and medical letters in respect of both Applicants. The representative also lodged a list of authorities.

9. By email dated 3rd April 2023, which was the morning of the hearing, the Applicants' representative lodged two medical letters.

The Hearing

10. A hearing took place by telephone conference on 3rd April 2023. The Applicants were in attendance and represented by Mr Jamie Miller, Solicitor. The Respondent was not initially in attendance, but joined the telephone conference shortly after commencement.

Preliminary Matters

Minute of Amendment

11. The Tribunal heard from Mr Miller that he had been contacted after the CMD as the Applicants were concerned that an erroneous position had been put forward by their letting agent. The position put forward was untrue and the Applicants had been unaware that this was going to happen. The Applicants had been advised by Mr Miller to amend the application.
12. Responding to questions from the Tribunal as to why it was stated at part 3 of the Notice to Leave that the Applicants intended to sell 'due to financial changes', Mr Miller said the letting agent seemed to be using a style Notice to Leave and this information had been erroneously included.
13. Mrs Bloomfield said she was unwell when the letting agent was instructed and they said they would handle everything. Mr Bloomfield said the first they were aware of the erroneous information was upon seeing the CMD note. This came as a surprise and they then took legal advice.
14. Mr Miller submitted that the Applicants should not be prejudiced by the actions of the letting agent.
15. The Respondent said she was opposed to the Minute of Amendment being accepted, as there had been no mention of illness at the CMD. The information provided to her and the Tribunal had been completely different. She said she did not dispute that the Applicants were ill. Responding to questions from the Tribunal, the Respondent confirmed that she had only dealt with the letting agent regarding eviction, and had had no direct dealings with the Applicants.

Late lodging of documents on behalf of Applicants

16. Mr Miller submitted that the documents lodged on 24th March 2023 were not late in terms of Rule 22 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017. The medical letters lodged on the morning of the hearing had only just been received despite the letters being dated 16th March 2023. Fair notice that the documents would be lodged had been given in his email of 24th March 2023.

17. The Respondent opposed the late lodging of the documents, stating that she also suffered from asthma, and she did not feel that the Applicants' position was any more serious than her position.

The Respondent's position

18. The Tribunal requested confirmation from the Respondent of her position in respect of the hearing, as no documentary evidence or witness list had been lodged. The Respondent said her position remained the same as previously stated. She had no evidence that she was not being offered a house. Her social worker had refused to provide her with any supporting documentation, and had told her to tell the Tribunal to read the newspapers and see that there was a housing crisis. Responding to questions from the Tribunal, the Respondent said she had contacted Shelter Scotland again but they had not got back to her, the local authority had not got back to her, and CAMHS had not yet given her daughter an appointment, so no evidence was available. She said she had asked for assistance in respect of the hearing from someone at her daughter's school and they had agreed. They had not got back to her as it was not top of their list of priorities.

Onus upon the Respondent

19. Mr Miller proposed that the Respondent should lead, citing ***City of Glasgow District Council v Erhaiganoma 1993 SCLR 592***, where the Inner House of the Court of Session stated at page 594 that "Where *prima facie* reasonableness has been made out, we think that it is then for the tenant to put circumstances before the court to show otherwise." It was Mr Miller's position that a *prima facie* case for reasonableness had been made out by the medical letters lodged. This constituted a good and arguable case, and the Respondent should lead.
20. The Respondent opposed this position, stating that she would prefer if the Applicants led.

Tribunal decision on preliminary matters

21. The Tribunal adjourned to consider the matters raised. The Tribunal decided to consent to the amendment to the written representations, however, it observed that it was a serious and concerning situation where a representative attends a CMD and puts forward an erroneous position. The Tribunal observed that it had been incumbent upon the Applicants to ensure that the letting agent was fully instructed prior to the CMD.
22. The Tribunal accepted the late lodging of all documents. The Tribunal observed, in respect of the documents lodged on 24th March 2023, that the Applicant's representative ought to have complied with the Tribunal's direction as set out in the CMD note that all documents and witness lists must be lodged 14 days before the hearing, however, they were lodged in sufficient

time to give fair notice to the Respondent. The Tribunal took the view that it was not the fault of the Applicants that the medical letters dated 16th March 2023 were lodged late, and fair notice had been given to the Respondent that further medical letters had been sought.

23. The Tribunal decided that the Applicants should lead. The Tribunal did not accept that a *prima facie* case had yet been made out in respect of reasonableness.

Evidence for the Applicants

Evidence of Mr Bloomfield

24. Mr Bloomfield is 77 years old, and the joint proprietor of the Property. He explained that he has a rare condition that requires weekly infusions of plasma and antibodies, and he is prone to infections that require antibiotics. He also has a chronic lung condition that can cause sudden illness. He has become increasingly dependent upon his wife to act as his carer, and the burden upon her is likely to increase. He is aware that his wife is concerned that she will be left alone, and she could not manage the Property without him. Consequently, the Applicants wish to get rid of both rental properties. Mr Bloomfield said his wife is very anxious about the situation, and this has an impact upon her.
25. Responding to questions from the Tribunal as to the impact of managing the Property, Mr Bloomfield said the situation impacts more upon his wife. He can carry on a fairly normal life with regular infusions. He can become very ill suddenly. The Property is fully managed by the letting agent. There is no hands-on day to day management of the Property. There has been an issue in getting access to the Property for three consecutive years for gas safety checks, as the Respondent will not allow access. This has caused a lot of stress.
26. Responding to questions from the Tribunal as to the status of the second property owned by the Applicants, Mr Bloomfield said it is likely that the tenant of that property will purchase it in a private deal at a price a little below market value. The sale is not likely to take place for a couple of years. Asked whether he would consider the same arrangement with the Respondent, Mr Bloomfield said he would, but he did not think the Respondent could afford to purchase the Property.
27. Responding to questions from the Tribunal concerning the offer to purchase made by the Respondent's employer, Mr Bloomfield said there had been no discussion about this. He presumed any offer would be at a lower value than the market value, due to the fact there was a sitting tenant. The Applicants had decided it was not worthwhile to explore it further. He was unaware if a price had been put forward by the employer.

Cross-examination of Mr Bloomfield

28. The Respondent asked Mr Bloomfield why there had been no discussion with her employer regarding the value and sale of the Property. Mr Bloomfield said rightly or wrongly, the Applicants had got the impression that the employer was looking to buy the Property at a lower value due to there being a sitting tenant. It was his position that, if the employer wished to come up with a proposal for purchase, he would be willing to have discussions.

Evidence of Mrs Bloomfield

29. Mrs Bloomfield is 67 years old, and the joint proprietor of the Property. She explained that she has medical conditions, as set out in the medical letters. Her conditions can be worsened by stress. She feels anxiety in relation to her husband's medical conditions. He has been seriously unwell on many occasions. Matters became worse during the pandemic. He is at risk of infection, and that impacts upon her. She suffers from tiredness and a lack of energy. She expects the situation with her husband to worsen in time.

30. Mrs Bloomfield said she is very anxious about the issue of safety of the Property. A meter was installed without the Applicants' consent. They have an obligation as landlords and want to be assured of the safety of the tenants. Gas safety issues may have an effect on the Applicants' insurance. There have been arrears in the past.

31. Responding to questions from the Tribunal regarding the day-to-day management of the Property, Mrs Bloomfield said this is carried out by the letting agent, but problems such as rent arrears or refusal of entry to the Property are reported to the Applicants. The letting agent could be in touch every month. The second property is managed by a different letting agent. Responding to questions from the Tribunal as to discussions with the letting agent before the Notice to Leave was served, Mrs Bloomfield said there had been almost nothing by way of discussion.

Cross-examination of Mrs Bloomfield

32. The Respondent asked if Mrs Bloomfield was aware that a gas leak had been caused in the Property due to gas pipes being changed in the street. Mrs Bloomfield said she was not aware of that.

Evidence of the Respondent

33. The Respondent said she had been a good tenant until the pandemic. There had been rent arrears, but she had paid those. She would not allow gas safety inspections as she did not want people in the Property. She had no gas supply as she could not afford this. It would have been impossible to have a gas safety check carried out with no gas. The Applicants had not provided a

CO2 meter until recently, so they had not complied with their responsibilities throughout the tenancy.

34. The Respondent said her daughter is extremely anxious about the situation. She failed all her prelims, and the Respondent feels that is due to the stress of not knowing where they will be living and the possible removal from her school. The Respondent said her daughter had been awaiting an appointment with CAMHS for one year. Responding to questions from the Tribunal as to whether her daughter had issues prior to the serving of the Notice to Leave in May 2022, which is less than a year ago, the Respondent said no – she was mistaken in saying it had been a year. The problems had stemmed from the service of the Notice to Leave and the threat of eviction.
35. Asked why there was no evidence of her daughter's condition before the Tribunal, the Respondent said she had asked the school, and a teacher had said they would send an email, but had not done so. She referred to being in possession of a sound recording of a teacher informing her by telephone call that her daughter had removed blades from sharpeners with the intention of self-harming and/or suicide. Her daughter handed the blades to the teacher. The Respondent said she had not made any enquiries about lodging this evidence in advance of the hearing as she thought it would not be possible to lodge a recording.
36. Responding to questions regarding the social housing situation, the Respondent said she is on the homeless waiting list. Her case worker, who she described as a social worker, refused to provide any evidence to support her case, despite being aware of the nature of the hearing. Asked what she understood would happen if the order was granted, the Respondent said 'they will sort out accommodation then.' Asked what would happen if no order was granted, in terms of getting social housing, the Respondent said that was unanswerable. She needs three bedrooms and that is extremely difficult to get. She said she was told by social housing providers that they would not even consider her case until the day of an eviction.
37. The Respondent said she goes into the council housing office every two to three weeks. She is usually told that someone will call her back. Asked what would be provided by way of temporary accommodation, the Respondent said this will be provided, but no further information will be given or known until the day of eviction. The Respondent said she cannot afford to rent privately, as the rents are between £900 and £1400 per month. The Respondent said she has contacted all the social housing providers. She said Southside Housing Association's list was closed as the list is full.
38. Responding to questions from the Tribunal, the Respondent said she has spoken to the school recently about her daughter, and they have a counsellor, but no appointment has yet been provided. The school is fifteen minutes' walk from the Property.

39. Responding to questions from the Tribunal, the Respondent said her employer is still interested in purchasing the Property. There has been no discussion about the purchase price. Her employer has a portfolio of properties. The Respondent said she was quite upset that the other tenant had been given the opportunity to purchase the other property owned by the Applicants.
40. Responding to questions from the Tribunal regarding the matter mentioned in the representations made on behalf of the Applicants concerning the delaying of the date of execution of any eviction order to the end of May 2023, at which time the Respondent's daughter's exams would be over, the Respondent said she did not know what date her daughter's exams would be over, and that her daughter would be in school until the end of June. The Respondent said she may have agreed to the proposal if it had been offered to the end of June, rather than May.

Cross-examination of the Respondent

41. Mr Miller put it to the Respondent that information was available to show that her daughter's exams would be finished by the end of May 2023, and asked why the Respondent had not checked this matter out and responded to his email of 26th January 2023 in this regard. The Respondent said she preferred to let the matter proceed to the hearing so she could have her say.
42. Asked whether she thought it would have been appropriate to have had some dialogue regarding the matter of her employer buying the Property, the Respondent said she had not realised that she could have reopened the conversation.
43. Mr Miller asked why there had only been two requests made to the letting agent for a tenant reference from housing associations in June and August 2022. The Respondent said she had contacted all the housing associations at the same time and could not comment as to why they had not all requested references. She has been on Glasgow Housing Association's list for nine years. It was her position that all discussions regarding her daughter's condition had been carried out by telephone, and this was why she had nothing to lodge with the Tribunal.
44. Asked why she had lodged no evidence at all, the Respondent said she had no documentation to show that her daughter was suicidal.

Further Discussion

45. Mrs Bloomfield said that the letting agent had indicated that the Respondent had changed employer. The Respondent said that was the case, but her former employer was still willing to purchase the Property.

Submissions for the Applicants

46. Mr Miller referred to the Tribunal case FTS/HPC/EV/22/2069, where the Tribunal considered that a *prima facie* case in respect of reasonableness had been made out on behalf of the Applicant, and, given the limited nature of the Respondent's arguments on the reasonableness of granting the order, and the lack of any compelling reasons why the order should not be granted, the Tribunal found that it was reasonable to grant the order. Mr Miller submitted that it was hard to test the veracity of the Respondent's position as no documents had been lodged. Since the application had been lodged, there had been no correspondence from the Respondent, and she had not responded to anything. The Respondent had not done anything about getting rehoused. The Applicants had prepared fully for the hearing. The content of the medical letters was agreed. A *prima facie* case had been established, so it would be reasonable to grant the order and supersede extract until the end of May.
47. Responding to questions from the Tribunal, the Applicants indicated that they would be content for an order to be granted on the condition that it could not be executed before the end of June 2023.
48. Responding to questions from the Tribunal as to whether the Applicants had a genuine intention to engage in discussions with the Respondent's former employer on the purchase of the Property, Mrs Bloomfield said she would not be happy to engage in further discussion. Mr Bloomfield said he would be happy to engage in further discussion.

Submissions by the Respondent

49. The Respondent said she would be happy if discussions took place with her previous employer, who is in a position to purchase the Property and everything is in place. The matter had been shut down when it was raised. There could have been a conversation. Otherwise, the Respondent said she would be happy to leave at the end of June 2023.
50. Responding to questions from the Tribunal, the Respondent said it was not reasonable to grant the order until the discussion regarding purchase of the Property had been concluded. If the order was granted, she and her family would be made homeless. If they had to move to temporary accommodation, this should not be during the school term. The Applicants are not dealing with the Property on a daily basis and she did not feel they should be stressed by being landlords. It was her position that she was facing greater stress due to the situation, which had a greater impact on her than the Applicants.

Findings in Fact and Law

- 51.
- (i) The parties entered into a private residential tenancy agreement in respect of the Property commencing on 28th June 2018.

- (ii) Notice to Leave was served upon the Respondent on 19th May 2022. The Notice became effective on 14th August 2022.
- (iii) The Notice to Leave stated that the Applicants wished to sell the Property due to financial changes.
- (iv) The Notice to Leave gave the correct period of notice.
- (v) The Applicants are entitled to sell the Property.
- (vi) The Applicants intend to sell the Property for market value or at least put it up for sale within three months of the Respondent ceasing to occupy the Property.
- (vii) The Applicants both suffer from medical conditions that negatively impact upon their lives.
- (viii) Mrs Bloomfield acts as a carer to Mr Bloomfield and his care needs are likely to increase with time.
- (ix) Unnecessary stress is not beneficial to the lives of the Applicants.
- (x) The Respondent has two children aged 9 and 15.
- (xi) The Respondent has been in rent arrears in the past, due to problems with employment arising from the Covid-19 pandemic. There are currently no rent arrears.
- (xii) The Respondent has refused the Applicants entry to the Property for a period of three years for safety certification to be carried out.
- (xiii) The Applicants failed to provide a CO2 detector at the start of the tenancy.
- (xiv) The Respondent has been in discussion with social housing providers in an attempt to secure social housing. The Respondent has not been offered social housing.
- (xv) The Respondent's daughter has threatened suicide and is awaiting an appointment with Child and Adolescent Mental Health Services.
- (xvi) It is likely that eviction would negatively impact upon the lives of the Respondent and her children.

Reasons for Decision

52. Ground 1 of Schedule 3 of the Act provides that it is an eviction ground if the Landlord intends to sell the let property. The Tribunal may find the ground met

if the landlord is entitled to sell the Property and intends to do so for market value, or at least put it up for sale within three months of the tenants ceasing to occupy it. The Tribunal accepted the evidence of the Applicants that they intend to sell the Property as required by the legislation. The Tribunal was satisfied that Ground 1 had been established.

53. In considering reasonableness, the Tribunal took into account the circumstances of both parties and all relevant considerations, including the effect upon both parties of granting and not granting an eviction order.
54. The Tribunal was not satisfied that it was reasonable to grant the eviction order. The Tribunal did not consider that a *prima facie* case on reasonableness had been made out by the Applicants before or during the hearing. The Tribunal accepted that the Applicants have serious medical conditions that cause them stress, and that there are considerable concerns about the future impact of these medical conditions, particularly in relation to Mrs Bloomfield having to care for Mr Bloomfield. The Tribunal noted that the letters from the Applicants' GP dated 16th March 2023 mentioned that unnecessary stress is not beneficial to the lives of the Applicants, and asked that this be taken into consideration 'with any upcoming court case', however, the GP does not state that letting the Property is a source of stress to the Applicants, and this is not reflected in any of the medical letters lodged.
55. The Tribunal was not persuaded on the evidence before it that letting the Property to the Respondent is a significant source of stress to the Applicants. The Property is fully managed by a letting agent. The letting agent carries out the day-to-day management of the Property. The Applicants are not required to have any dealings with the Respondent. The Applicants have two properties. They are prepared to allow the tenant of the other property to remain in the property for a period described as a couple of years before selling the property to her for a sum slightly less than market value. The Tribunal considered this undermined the Applicants' argument that they required to sell the Property due to stress and the existence of their medical conditions. If they are prepared and able to let the other property for a period of a couple of years, it was not apparent why they are not in a position to continue to let the Property to the Respondent, or why they cannot undertake proper discussions regarding sale to the Respondent's former employer.
56. The Tribunal took the view that the Applicants' evidence that they required to sell the Property on the basis of their ill-health was somewhat undermined by the letting agent's representations at CMD. It seemed unlikely that, if medical issues truly formed the basis of their intention to sell, the Applicants would not have discussed that with the letting agent, and ensured that they were appropriately instructed prior to issuing the Notice to Leave and attending the CMD. Instead, according to Mrs Bloomfield, no instruction was given, and it seemed she was suggesting that the letting agent was merely informed of an intention to sell, and left to their own devices as to how they got to that point. The Tribunal noted there was nothing before them from the letting agent to substantiate the serious allegations made against them that they had

fabricated an account when appearing before the Tribunal. It was also noted that the Applicants have continued to retain the services of the letting agent despite the seriousness of the allegations made.

57. The Tribunal took into account the evidence from Mrs Bloomfield that issues to do with rent arrears and safety had impacted upon her. The Tribunal accepted that this may be the case, however, there was no evidence to indicate that these issues are ongoing or causing current stress. The Applicants did not choose to end the tenancy on the grounds of the Respondent's behaviour. If there remains an issue in respect of entry for gas safety certification, there is provision to deal with this in the Housing (Scotland) Act 2006. Mrs Bloomfield's evidence that she was concerned about safety matters was somewhat undermined by the Respondent's unchallenged evidence that there was no CO2 detector provided, as required throughout the tenancy in terms of the 2006 Act, until recently.
58. The Tribunal considered that the Applicants' dismissal of the idea of the Respondent's previous employer purchasing the Property was not a reasonable position. It appeared, on the part of Mr Bloomfield, to be based on assumptions that nothing could come from having discussions because the price to be offered would be too low. This assumption was made without any further discussion as to price or valuation. Mrs Bloomfield's ongoing refusal to consider discussion on the matter at this stage tends to infer some hostility towards the Respondent and a wish to have her removed from the Property. While there was no evidence before the Tribunal to allow it to make any findings as to whether there is a real prospect of the former employer purchasing the Property, this matter deserves some further investigation and discussion between the parties.
59. The Tribunal took into account the length of time the Respondent and her children aged 9 and 15 have lived in the Property. The Respondent appears to have been a good tenant for the main part of the tenancy. It would appear that rent arrears accrued as a result of the Covid-19 pandemic. The arrears were paid, and the Respondent is not currently in arrears. The Tribunal was concerned at the Respondent's unreasonable refusal to allow access for safety checks, but that was not the basis of the application, and, as mentioned previously, legislation provides a procedure to deal with this matter.
60. The Tribunal was concerned at the lack of evidence provided by the Respondent to substantiate her defence to the application. It was not evident that she had done much to try to substantiate her case, with a complete lack of evidence from professionals. While the Tribunal accepts that the Respondent could not force said professionals to provide documentary evidence, it seemed likely from her anecdotal account of comments made by the social worker, that the Respondent had not understood or passed on what was expected of her. The Tribunal took into account that the Respondent was not legally represented, and may not have understood exactly what was required of her in terms of evidence.

61. The Tribunal noted that the Respondent's family circumstances, and particularly those of her daughter, were not challenged in cross-examination, and the Tribunal accepted her evidence that her daughter is going through a difficult period, threatening suicide, and awaiting the provision of mental health services. It was impossible for the Tribunal to accept, on the lack of evidence before it, that this was primarily due to the threat of eviction, however, it is obvious that this threat must be having an adverse effect on the whole family, and that the daughter is at a crucial stage in her education.
62. The Tribunal accepted the Respondent's evidence that she has been attempting to obtain social housing. While the Tribunal was not persuaded that the Respondent was correct in stating that her housing position would not be considered by the local authority until the day of eviction, it is within the knowledge of the Tribunal that there are considerable pressures in the social housing sector at this time, which would also impact upon the Respondent and her family if the order was granted. It is not unlikely that they would be housed in temporary accommodation and in an area that would require the children to change schools. This could have an adverse effect upon the children, and, particularly, the daughter, given her current issues.
63. The Tribunal considered the option of granting the order and extending the period before which it could be executed to the end of June 2023. However, having weighed all the circumstances in the balance, the Tribunal considered that it was not reasonable to grant the order for eviction.

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.

Legal Member/Chair

11th April 2023
Date