



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 (“The Act”)

Chamber Ref: FTS/HPC/EV/23/1735

Re: Property at 67 North Shore Road, Troon, KA10 6RA (“the Property”)

Parties:

Mr Peter Thomson, 1 Farhaven, Barassie, Troon, KA10 6UA (“the Applicant”)

Ms Deborah Doherty, 67 North Shore Road, Troon, KA10 6RA (“the Respondent”)

Tribunal Members:

Andrew McLaughlin (Legal Member) and Elizabeth Currie (Ordinary Member)

Decision

[1] The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted the Application and made an Eviction Order.

Background

[2] The Applicant seeks an Eviction Order under ground 1 of Schedule 3 of the Act on the basis that he wishes to sell the Property. The Respondent has lodged representations indicating she does not wish to oppose this order but would like sufficient time to obtain alternate accommodation.

Case Management Discussion

[3] The Application called for a Case Management Discussion (CMD) by conference call at 10 am on 17 October 2023. The Applicant was represented by Mr Ferry of Wallace Hodge & Co. The Respondent was represented by Mr Tierney of Ayr Housing Aid Centre. Both parties confirmed that they would be content with an order being granted on the basis that the terms of the Cost of Living (Tenant Protection) (Scotland) Act 2022 were engaged which would allow the Respondent time to obtain alternate accommodation. The Tribunal questioned both parties as to the basis of the Application and the reasonableness or otherwise of granting an order. Having done so, the Tribunal made the following findings in fact.

Findings in Fact

- I. *The Respondent acquired the tenant's interest in a tenancy at the Property between the Applicant and the Respondent's late mother;*
- II. *The Applicant wishes to sell the Property;*
- III. *The Applicant wishes to cease being a landlord and has no other ongoing financial interests in the sector;*
- IV. *The Applicant competently served a Notice to Leave under ground 1 of schedule 3 of the Act. The Applicant has also complied with s11 of the Homelessness (etc) (Scotland) Act 2003;*
- V. *The Respondent has received advice and is currently being assisted in finding alternate accommodation;*
- VI. *The ground relied on is established and it is reasonable to grant the order sought.*

Reasons for Decision

[4] Having made the above findings in fact, the Tribunal granted the Application and made an Eviction Order.

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.



17 October 2023

Legal Member/Chair

Date