



**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/23/2391**

**Re: Property at 18 Grant Lane, Lossiemouth, Moray, IV31 6HP (“the Property”)**

**Parties:**

**Mrs Alethea Jayne Swift, 29 Coluardbank crescent, Losslemouth, Moray, IV31 6TS (“the Applicant”)**

**Miss Amy Dillon, 18 Grant Lane, Lossiemouth, Moray, IV31 6HP (“the Respondent”)**

**Tribunal Members:**

**Andrew McLaughlin (Legal Member) and Frances Wood (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 1A of Schedule 3 of the Act. The Application is accompanied by a copy of the relevant tenancy agreement and notice to leave founded upon, together with a copy of the notice under s11 of the Homelessness (etc) (Scotland) Act 2003. The Applicant has also provided a summary of the financial hardship which they say the proposed order would alleviate.

**The Case Management Discussion**

[3] The Application called for a Case Management Discussion (CMD) by conference call at 2pm on 16 October 2023. The parties were both personally present. Neither party had any preliminary matter to raise. The Tribunal carefully discussed the parties' respective situations and having done so, makes the following findings in fact.

- I. *The Applicant let the Property to the Respondent by virtue of a Private Residential tenancy;*
- II. *The Applicant now requires to sell the Property to alleviate financial hardship arising from her husband having a significant personal debt that would otherwise prevent them from acquiring their own property together as a couple;*
- III. *The Respondent accepts the Applicant's reasons for seeking eviction but cannot get assistance from the Council unless an Order is made.*
- IV. *Ground 1A is established and it is reasonable that an Eviction Order is granted.*

## **Findings in Fact**

[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.**



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**Legal Member/Chair**

**16 October 2023**  
**Date**

