



**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/23/1515**

**Re: Property at 17D Claremont Place, Claremont Place, Aberdeen, AB10 6RE (“the Property”)**

**Parties:**

**Mrs Susan Adamson-Smith, Hilltops, Daviot, Inverurie, AB51 0HZ (“the Applicant”)**

**Mr Jonathan Fawcett, 17D Claremont Place, Claremont Place, Aberdeen, AB10 6RE (“the Respondent”)**

**Tribunal Members:**

**Andrew McLaughlin (Legal Member) and Mary Lyden (Ordinary Member)**

**Decision**

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

## **Background**

[2] The Applicant seeks an Eviction Order under ground 1 of Schedule 3 of the Act. There had been a previous Case Management Discussion (CMD) which had been continued for further information to be supplied by the Applicant about why she wanted to sell the Property.

## **The Case Management Discussion**

[3] The Application called for a CMD by conference call at 10 am on 24 November 2023. The Applicant was represented by Mr Doran, solicitor. The Respondent was now personally present. Neither party had any preliminary matter to raise. Each party had the opportunity of presenting their position to the Tribunal. The Tribunal asked questions throughout to ensure it understood each party's respective position. Having done so, the Tribunal made the following findings in fact.

## **Findings in Fact**

- I. *The Applicant let the Property to the Respondent by virtue of a Private Residential Tenancy Agreement which commenced on 13 October 2022;*
- II. *The Applicant competently served a Notice to Leave under Ground 1 of Schedule 3 of the Act on 27 February 2023;*
- III. *The Applicant has complied with s 11 of the Homelessness (etc) (Scotland) Act 2003;*
- IV. *The Applicant wants to sell the Property because she has suffered recent family bereavements and no longer wishes the stress of being a landlord. The Applicant also wishes to free up capital to assist her son in acquiring a home;*
- V. *The Respondent lives alone in the Property, which is on the first floor, and has mobility issues;*

- VI. *The Respondent is understandably anxious about having to find alternative accommodation but already is being given assistance by the relevant local authority;*
- VII. *The ground relied upon in the notice to leave is established;*
- VIII. *It is reasonable that an Eviction Order is granted.*

### **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.**

**Andrew McLaughlin**

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**Legal Member/Chair**

**24 October 2023**

**Date**