



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber)**

Chamber Ref: FTS/HPC/EV/23/3719

Re: Property at Flat 3/3, 8 Dunn Street, Paisley, PA1 1NX (“the Property”)

Parties:

Miss Gail Graham, 6 Laird Grove, Uddingston, G71 6UA (“the Applicant”)

Mr Marc Graham, Flat 3/3, 8 Dunn Street, Paisley, PA1 1NX (“the Respondent”)

Tribunal Members:

Virgil Crawford (Legal Member) and Melanie Booth (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that

BACKGROUND

1. By lease dated 14th October 2021 the Applicant let the Property to the Respondent.
2. On 25th July 2023 the Applicant served upon the Respondent a notice to leave, the ground of eviction being ground 1A of schedule 3 of the Private Housing (Tenancies) (Scotland) Act 2016, that being the landlord intends to sell the Property to alleviate financial hardship. At the time of service of the notice, the Cost of Living (Tenant Protection) (Scotland) Act 2022 was still in force.
3. A notice in terms of s11 of the Homelessness Etc. (Scotland) Act 2003 was intimated to the local authority. The Applicant provided the tribunal with a written statement outlining her financial difficulties. Various documents were provided from financial institutions supporting the information provided by the Applicant.

4. Information was provided from a bona fide estate agent confirming instructions have been received to market the Property for sale.
5. The Respondent provided written submissions to the tribunal intimating that he understood and accepted the reason the Applicant was seeking to have him removed from the Property. He explained that, however, he is a student who is about to undergo exams at college and indicated that, while he was not opposed in principle to an eviction order being granted, he would wish the date of any eviction order to be no sooner than 14th June 2024 to allow him remain within the Property until his exam period had concluded.
6. The Applicant, despite her financial difficulties, indicated that she would be willing to agree to an eviction order being granted with a date of enforcement being deferred until 14th June 2024.

THE CASE MANAGEMENT DISCUSSION

7. The Applicant was represented by Mrs K Deans of Penny Lanes Homes, Johnstone. The Respondent participated personally. His father attended as an observer.
8. The background as outlined above was confirmed. The Applicant's representative moved the Tribunal to grant an order for eviction. This was not opposed by the Respondent provided the enforcement date was no earlier than 14th June 2024. The Applicant was content for the tribunal to grant an eviction order in those terms.
9. In the circumstances, given an agreement has been reached between the Parties, and considering the financial position of the Applicant was supported by documents previously provided to the Tribunal, the Tribunal granted an order for eviction.

DECISION

The Tribunal granted an order against the Respondent for eviction of the Respondent from the Property under section 51 of the Private Housing (Tenancies) (Scotland) Act 2016, under ground 1A of Schedule 3 to said Act

Order not to be executed prior to 12 noon on 14 June 2024

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.

V. Crawford

Legal Member/Chair

22 March 2024
Date