



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 51 of the Private Housing (Tenancies)(Scotland) Act 2016 (“the Act”)

Chamber Ref: FTS/HPC/EV/24/2639

Re: Property at 33 Whyte Street, Lochgelly, KY5 9DA (“the Property”)

Parties:

Mr Neil McIntosh, 48 Station Road, Thorton, Fife, KY1 4AX (“the Applicant”)

Mr Grant Killard, Mrs Lauren Killard, 33 Whyte Street, Lochgelly, KY5 9DA (“the Respondents”)

Tribunal Members:

Steven Quither (Legal Member) and Jane Heppenstall (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) UNANIMOUSLY determined to grant the order for eviction sought by the Applicant.

BACKGROUND

1. This is an application lodged on 6 June 2024 to bring to an end a Private Residential Tenancy (“PRT”) between the parties in respect of the Property commencing 8 July 2020, based on Ground 1 of Schedule 3 of the Act (landlord intending to sell the Property).
2. After a request for further information of 8 July 2024, answered by the Applicant’s representative (Neil Dymock, Dymock Properties Ltd, Broughty Ferry) on 16 July 2024, the Tribunal accepted the application by Notice of

Acceptance of 12 August 2024 and a Case Management Discussion (“CMD”) was duly fixed for 26 February 2025.

3. Prior to the CMD, preliminary consideration of the supporting documentation for this application confirmed that:--
 - a) The Applicant had taken at the very least preliminary steps regarding placing the Property up for sale on or about 16 February 2024;
 - b) Notices to Leave dated 26 February 2024 were served on both Respondents via a shared email address on the same date;
 - c) The appropriate local authority was notified of the application in terms of s11 of the Homelessness etc. (Scotland) Act 2003 on 6 June 2024; and
 - d) Letterbox service of this application was made on both Respondents by sheriff officers on 16 January 2025.

4. At all times the Tribunal was aware that in relation to this eviction case, it required to be satisfied not only that the formal requirements regarding same had been complied with but also that it was reasonable to make the order for repossession.

CASE MANAGEMENT DISCUSSION on 26 FEBRUARY 2024

5. The CMD took place by teleconference and duly commenced shortly after 2pm. The Applicant was represented by Mr Dymock and both Respondents attended also.

6. By submission to the Tribunal and in response to questions then asked by the Tribunal, on behalf of the Applicant, Mr Dymock advised and confirmed very concisely:--
 - a) The Applicant was seeking to sell the Property to fund either a move to a bigger property to provide larger living space or an extension to his existing home, for his family of 2 primary school age children and also his 81 year old mother, for whom he has caring responsibilities; and
 - b) If the application was granted, the Property would be made ready and put up for sale just as soon as reasonably practicable.

7. By submission to the Tribunal and in response to questions then asked by the Tribunal, the Respondents advised and confirmed:--
- a) The Property was no longer suitable for their needs, since they had 4 school age children, one of whom had special needs and there were only 3 bedrooms in the Property;
 - b) They had already been in substantial contact with the relevant local authority and had an allocated case worker helping them obtain alternative accommodation;
 - c) Initially this would be homeless accommodation for 30 days, which they had no say in, but they would then be able to discuss suitable permanent accommodation and their child's special needs would be taken into account in that discussion; and
 - d) They did not have any particular opposition to the order now being granted, given their application for alternative accommodation was fairly well-advanced.
8. The parties were then content for the Tribunal to consider the application based on the information contained in the case papers and as advised at the CMD.

FINDINGS IN FACT

9. The parties entered into a PRT for the Property commencing 8 July 2020.
10. The Applicant now intends to sell the Property, or at least put it up for sale, within 3 months of the Respondents ceasing to occupy it.

REASONS FOR DECISION

11. Based on the information available to it from the case papers and as advised at the CMD, the Tribunal was satisfied of the Applicant's intention to sell the Property, or at least put it up for sale within 3 months of the Respondents ceasing to occupy it.
12. Accordingly and in the absence of any particular opposition to the order being granted, the Tribunal was content it was just and reasonable to make the order

sought and hopes that the grant of same might assist the Respondents in their efforts to obtain alternative accommodation.

DECISION

13. To grant the order for eviction sought by the Applicant.

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.

Steven Quither

SR QUITHER

Legal Member/Chair

28 FEBRUARY 2025

Date