



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/24/5810

Re: Property at 45 Daniel McLaughlin Place, Kirkintilloch, East Dunbartonshire, G66 2LH (“the Property”)

Parties:

Ms Linda Young, 12 Auchenkils Holdings, Chapelton Road, Cumbernauld, G67 4HA (“the Applicant”)

Mrs Catherine (Katie) McLeish, 45 Daniel McLaughlin Place, Kirkintilloch, East Dunbartonshire, G66 2LH (“the Respondent”)

Tribunal Members:

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

[1] The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted the Application and made an Eviction Order subject to the provision that it may not be enforced until 14 September 2025.

Background

[2] The Applicant seeks an Eviction Order under Ground 1 of Schedule 3 of the Act. The Application is accompanied by a copy of the tenancy agreement and the notice to leave with proof of service. The relevant notice under Section 11 of the Homelessness (etc) (Scotland) Act 2003 is also produced.

The Case Management Discussion

[3] The Application called for a Case Management Discussion (CMD) by conference call at 10 am on 14 July 2025. The Applicant was represented by Mr Livingstone of Landlord

Specialist Services Scotland. The Respondent was personally present. Neither party had any preliminary matters to raise. The Respondent was content for the Tribunal to grant the Application. She understood the purpose of the Application and had taken advice from her local authority. She lives in the Property with her daughter. She finds herself in the position that she will not be offered an appropriate level of assistance by the local authority until such time as an Eviction Order is granted. The Respondent expressed a desire for more time to leave the Property to assist with her daughter starting the new school term and returning from a scheduled family holiday. Mr Livingstone confirmed that the Applicant would have no difficulty with this.

[4] Having heard from parties, the Tribunal made the following findings in fact.

Findings in Fact

- 1) *The Applicant let the Property to the Respondent by virtue of a Private Residential Tenancy Agreement.*
- 2) *The Applicant now wishes to sell the Property for personal family reasons.*
- 3) *The Applicant has competently served a notice to leave under Ground 1 on the Respondent.*
- 4) *The Applicant has complied with Section 11 of the Homelessness (etc) (Scotland) Act 2003.*
- 5) *The Respondent is content to leave the Property and has taken advice regarding alternative accommodation but would like some more time to organise her departure.*

Reasons for Decision

[5] Having made the above findings in fact, the Tribunal considered that Ground 1 of Schedule 3 of the Act was established and that it was reasonable to make an Eviction Order. The Tribunal granted the Application but did so on the condition that the order may not be enforced before 14 September 2025.

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.

A McLaughlin

Legal Member/Chair

14 July 2025

Date