



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/25/4849

Re: Property at 30 Barra Crescet, Irvine, Ayrshire, KA11 1DE (“the Property”)

Parties:

Mr James Cherry, C.O 51 Green Avenue, Irvine, Ayrshire, KA12 0UG (“the Applicant”)

Miss Toni McKinnon, 30 Barra Crescet, Irvine, Ayrshire, KA11 1DE (“the Respondent”)

Tribunal Members:

Andrew McLaughlin (Legal Member) and Gerard Darroch (Ordinary Member)

Decision (in absence of the Respondent)

[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 before 3 August 2026.

Background

[2] The Applicant seeks an Eviction Order under Section 33 of the Act. The Application is accompanied by a copy of the relevant tenancy agreement; the relevant notice under Section 33 of the Act; the relevant notice to quit; the relevant notice under Section 11 of the Homelessness (etc) (Scotland) Act 2003 and proof of service. Both parties have submitted representations effectively outlining that an agreement was reached that the order should be granted but subject to a provision that it may not be enforced prior to 3 August 2026.

The Case Management Discussion

[3] The Application called for a Case Management Discussion (CMD) by conference call at 2pm on 3 June 2026. The Applicant was personally present. The Respondent was present together with her representative, Ms Gibson from CHAPS. Both parties confirmed the terms of the settlement reached. Having considered the Application and Mr Baillie's representations, the Tribunal made the following findings in fact.

Findings in Fact

1. *The Applicant let the Property to the Respondent by virtue of a Short-Assured Tenancy within the meaning of the Act;*
2. *The Applicant competently ended the tenancy by competently serving a notice under Section 33 of the Act and a notice to quit;*
3. *The Applicant has served the requisite notice under Section 11 of the Homelessness (etc) (Scotland) Act 2003;*
4. *The Applicant wishes to move into the Property.*
5. *The Respondent and her family are agreeable to moving but would welcome some additional time to organise alternative accommodation.*

Reasons for Decision

[5] Having made the above findings in fact, the Tribunal found that the tenancy had been validly ended under Section 33 of the Act and that it was reasonable to make an Eviction Order. The Tribunal therefore granted the Application but did so on the basis that the order sought may not be enforced prior to 3 August 2026.

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

Legal Member/Chair

3 June 2026

Date

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