

Housing and Property Chamber
First-tier Tribunal for Scotland



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

Chamber Ref: FTS/HPC/EV/19/1326

Re: Property at 101 (1/R) Rosebank Street, Dundee, DD3 6PG (“the Property”)

Parties:

Ms Claire Redmond, 2 Ward Place, Elburn, Livingston, EH64 6FB (“the Applicant”)

Mr Peter Regan, 101 (1/R) Rosebank Street, Dundee, DD3 6PG (“the Respondent”)

Tribunal Members:

Mark Thorley (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for eviction be granted but enforcement would not take place until 13 October 2019

Background

The Applicant applied to the First Tier Tribunal under Rule 109 by Application dated 29th April 2019. Accompanying the Application was a copy Notice to Leave, copy Tenancy Agreement and Section 11 Notice.

No written representations were made by or on behalf of the Respondent.

Case Management Hearing

At the Case Management Hearing Mr Baxter from Pavilion Properties appeared on behalf of the Applicant. Mr Marshall from Dundee North Law Centre appeared along with the Respondent

Mark
Thorley

There was already lodged in process an Affidavit of the Applicant confirming that she currently resides in Livingston but wishes to return to the property to become her main place of residence.

Findings in Fact

1. The tenancy was constituted by a private residential Tenancy Agreement dated 7th November 2018.
2. The private residential tenancy was due to commence on 7th November 2018.
3. The Applicant intimated that she intended to return to live in the property on 8th March 2018 and issued the appropriate Notice to Leave together with Section 11 Notice.
4. The Applicant intends to return to live in the property.
5. The Order for Eviction is granted.

Reasons for Decision

The Applicant has already submitted an Affidavit confirming that she intends to live in the property again. That evidence was unchallenged.

The Respondent did not consent to the order.

The Respondent wanted to ensure that time was given to secure alternate accommodation. It was agreed that the order would not be executed until 13 October 2019.

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.

Mark Thorley

13 Aug 2019
Legal Member/Chair

Date
