



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/23/2276

Re: Property at 5 Woodville Court, Broxburn, West Lothian, EH52 5LU (“the Property”)

Parties:

Mr John Raeburn McGregor, 4 Woodlands Grove, Lower Bathville, Armadale, EH48 2UH (“the Applicant”)

Mr Damian Nagel, Ms Laura McGinty, 5 Woodville Court, Broxburn, West Lothian, EH52 5LU (“the Respondent”)

Tribunal Members:

Andrew McLaughlin (Legal Member) and Leslie Forrest (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted the Application and made an Eviction Order.

Background

[1] The Applicant seeks an Eviction Order under ground 1 of Schedule 3 of the Act in that the Applicant wishes to sell the Property. The Application is accompanied by a copy of the tenancy agreement, the relevant notice to leave with proof of service and evidence of compliance with s11 of the Homelessness (etc) (Scotland) Act 2003.

The Case Management Discussion

[2] The Application called for a Case Management Discussion (CMD) by conference call at 10 am on 5 October 2023. The Applicant was represented by Ms Brechany of TC Young. The Respondents were personally present. Having heard from parties, the Tribunal makes the following findings in fact.

Findings in Fact

- I. *The Applicant inherited the landlord's interest in a tenancy between the Respondents and the Applicant's late mother on her death;*
- II. *The Applicant's mother had let the Property to the Respondents by virtue of a Private Residential Tenancy;*
- III. *The Applicant himself has no wish to be a landlord and now wishes to sell the Property;*
- IV. *The Applicant has competently served a notice to leave under the Act in terms of ground 1 of schedule 3 of that Act;*
- V. *The Respondents are content to move out of the Property but have been told that they can only receive assistance from the relevant local authority if an Eviction Order is granted;*
- VI. *Ground 1 of Schedule 3 of the Act is established and it is reasonable that an Eviction Order is granted.*

Reasons for Decision

[3] Having made the above findings in fact, the Tribunal granted the Application and made an Eviction Order. The Tribunal considered the reasonableness of the Application and took account of the Respondents' position. They have already approached their Local Authority in order to secure a tenancy and stated that they have been informed that their case would only be considered in the event that an Order for Possession was granted to the Applicants. They had looked at other private rented options in their area but these were unaffordable. As such they felt that it would be reasonable for the Order to be granted in order that they would be able to move on to something suitable with the assistance of the Local Authority

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.

Legal Member/Chair

5 October 2023

Date