



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

Chamber Ref: FTS/HPC/EV/21/1922

Re: Property at 137 Sundrum Place, Kilwinning, North Ayrshire, KA13 6SY (“the Property”)

Parties:

Mr Alan Frame, 45 Stevenston Road, Kilwinning, KA13 6LL (“the Applicant”)

Ms Nicola McCulloch, 137 Sundrum Place, Kilwinning, North Ayrshire, KA13 6SY (“the Respondent”)

Tribunal Members:

Andrew Upton (Legal Member) and Melanie Booth (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an eviction order should be granted, and that the Private Residential Tenancy between the parties terminated on 3 December 2021.

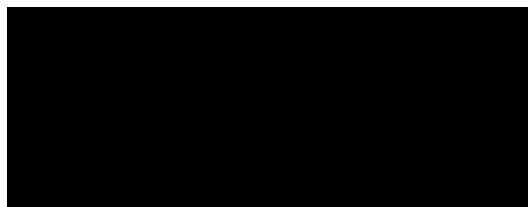
STATEMENT OF REASONS

1. This Application called for its Case Management Discussion by teleconference call on 3 December 2021. The parties were both present on the call.
2. In this Application, the Applicant seeks an eviction order under ground 5 of the Private Housing (Tenancies) (Scotland) Act 2016, in respect that he has a family member who intends to live in the Property. The tenancy between the parties is a Private Residential Tenancy which commenced in on 12 August 2019. Notice to Leave was served on the Respondent on 7 May 2021 giving three months’ notice as required by the legislation.

3. The Respondent confirmed that she did not dispute the validity of the notice, or the landlord's intention to have a family member reside in the Property. She did not require the Property in order to access any specialist services, childcare or place of employment. In fact, she was quite amenable to moving. The issue was that she had consulted the local authority with a view to obtaining housing support, but was told that she would need to wait until an eviction order was granted to increase her level of priority. In that respect, the Respondent did not oppose the granting of the eviction order, and its granting would actually help her find alternative housing.
4. The Tribunal is empowered by Rule 17(4) of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 ("the Rules") to do anything at a CMD that it may do at a Hearing, including make a decision. The Tribunal is also required by Rule 2 of the Rules, when making any decision, to have regard to the overriding objective to deal with proceedings justly including by avoiding delay.
5. The Tribunal was grateful to the parties for their candour in respect of this matter. Having heard from both parties, the Tribunal was satisfied that the ground for eviction relied upon by the Applicant was engaged in these circumstances, and that it was reasonable in all of the circumstances to grant the eviction order. We accordingly did so.
6. For the purposes of section 51(4) of the 2016 Act, the Tribunal determined that the PRT between the parties terminated on 3 December 2021.

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

3rd December 2021
Date