



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71 (1) of the Private Housing (Tenancies) (Scotland) Act 2016 (“The Act”)

Chamber Ref: FTS/HPC/EV/23/0739

Re: Property at 47 Clyde Street, Coatbridge, ML5 3LX (“the Property”)

Parties:

Mrs Brenda Fagan, James Fagan, 25 Inverlochry Road, Airdrie, ML6 9ES (“the Applicant”)

Ms Audrey Hendry, 47 Clyde Street, Coatbridge, ML5 3LX (“the Respondent”)

Tribunal Members:

Andrew McLaughlin (Legal Member) and Frances Wood (Ordinary Member)

Decision

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

Background

The Applicants seek an Eviction Order on the basis of ground 1 of schedule 3 of the Act in that it is said that the Applicants wish to sell the Property. The Application is accompanied by a copy of the tenancy agreement, the Notice to Leave relied on with proof of service, the notice provided to the local authority under s 11 of the Homelessness (etc) (Scotland) Act 2003 alongside affidavits from both Applicants confirming their reasons for wishing to sell the Property.

The Case Management Discussion

The Application called for a Case Management Discussion (CMD) by conference call at 10 am on 7 June 2023. The Applicants were represented by Ms Doyle of McEwan Fraser Legal. The Respondent was personally present. Neither party had any preliminary matters to raise. The Tribunal ensured that the Respondent understood the purpose of the CMD.

Having heard from the parties and having considered the Application, the Tribunal made the following findings in fact:

Findings in Fact

- I. The parties entered into a tenancy agreement whereby the Applicant let the Property to the Respondent by virtue of a Private Residential Tenancy Agreement that commenced on 9 April 2020;*
- II. The Applicants now wish to sell the Property as part of their retirement planning;*
- III. On 30 November 2022, the Applicants competently served a Notice to Leave on the Respondents in terms of ground 1 of Schedule 3 of the Act;*
- IV. The Applicants have given notice to the relevant local authority in terms of s11 of the Homelessness (etc) (Scotland) Act 2003;*
- V. The Respondent herself does not wish to remain in the Property. She wishes to live in a Property that is on one floor as she has mobility issues;*
- VI. The Respondent lives in the Property with an adult son and they are both content that they understand the impact of an Eviction Order and are content for such an order to be granted.*

Reasons for Decision

Having made the above findings in fact, the Tribunal decided to grant the Application on the basis that the relevant ground relied on was established and that it was reasonable for an Eviction Order to be made.

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

**Andrew McLaughlin
Legal Member/Chair**

**7 June 2023
Date**