



**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/23/0964**

**Re: Property at 60 Gordon Street, Huntly, AB54 8ES (“the Property”)**

**Parties:**

**Mr Ronald Stuart Robertson, Colpy Farm, Culsalmond, Inch, AB52 6XB (“the Applicant”)**

**Mr Martin McConnachie, 60 Gordon Street, Huntly, AB54 8ES (“the Respondent”)**

**Tribunal Members:**

**Andrew Upton (Legal Member) and Helen Barclay (Ordinary Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an eviction order should be granted against the Respondent, and that the Private Residential Tenancy between the parties will end on the earlier of (i) 7 December 2023, or (ii) the expiry or suspension of Paragraph 1 of Schedule 2 of the Cost of Living (Tenant Protection) (Scotland) Act 2022.**

**Statement of Reasons**

1. This Application called for its Case Management Discussion by teleconference call on 7 June 2023. The Applicant was represented by Mr Kingdon of Peterkins. The Respondent was personally present on the call.
2. This is an Application for an eviction order under the Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”). The Applicant contends that he intends to sell the Property and that it is reasonable to grant the order. At the CMD, Mr Kingdon advised that the Applicant is currently living in remote rented accommodation on a farm. Due to the Applicant’s own medical

reasons, he requires to move closer to family in Huntly. He therefore requires to sell the Property in order to purchase a property closer to his family and move there. Mr Kingdon advised that the relationship between the parties was positive, and that there was no malice between them. Unfortunately, circumstances are such that the Applicant needs to sell.

3. The Respondent advised that he did not dispute that the Applicant intends to sell, or that it is reasonable for an eviction order to be granted. His position was that he had discussed the matter with the local authority and been advised that he would not be accepted onto any housing list until he had been evicted, and that removing voluntarily would affect his housing application. As such, he simply needed an eviction order to be granted so that his housing application could progress. The Respondent advised that he lived at the Property with his partner and two children aged three and ten. In addition, his daughter, aged seven, visits at weekends. The Property has not been adapted for any special needs.
4. Having heard from the Parties, the Tribunal is satisfied that the Applicant intends to sell the Property, and that it is reasonable to grant the eviction order. The Tribunal will grant an eviction order under Ground 1 of Schedule 3 to the 2016 Act.
5. For the purposes of section 51(4) of the 2016 Act, the Tribunal determines that the Private Residential Tenancy between the parties shall end on the earlier of (i) 7 December 2023, or (ii) the expiry or suspension of Paragraph 1 of Schedule 2 of the Cost of Living (Tenant Protection) (Scotland) Act 2022.

### **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 Upton**

**07/06/2023**

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**Legal Member/Chair**

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**Date**