



**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/23/2258**

**Re: Property at 5 Springfield Terrace, West Barns, Dunbar, EH42 1UL (“the Property”)**

**Parties:**

**Mr Alistair Laing, Mrs Anne Peffers, 11 Barns Ness Terrace, Innerwick, Dunbar, EH42 1SF; 13 Stenton Road, West Barns, Dunbar, EH42 1UG (“the Applicant”)**

**Miss Jacqueline Ferrell, Mr Liam Brown, 5 Springfield Terrace, West Barns, Dunbar, EH42 1UL (“the Respondent”)**

**Tribunal Members:**

**Gabrielle Miller (Legal Member) and Angus Lamont (Ordinary Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the order for recovery and possession should be granted in favour of the Applicant.**

**Background**

1. An application was received by the Housing and Property Chamber dated 6<sup>th</sup> July 2023. The application was submitted under Rule 109 of The First-tier for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 Regulations”). The application was based on the Respondent not adhering to ground 1 of the Private Housing (Tenancies) (Scotland) Act 2016.
2. On 5<sup>th</sup> October 2023, all parties were written to with the date for the Case Management Discussion (“CMD”) of 13<sup>th</sup> November 2023 at 2pm by teleconferencing. The letter also requested all written representations be submitted by 5<sup>th</sup> October 2023.

3. On 9<sup>th</sup> October 2023, sheriff officers served the letter with notice of the hearing date and documentation upon both of the Respondents by letterbox service. This was evidenced by Certificate of Intimation dated 9<sup>th</sup> October 2023.

#### The Case Management Discussion

4. A CMD was held on 3<sup>th</sup> November 2023 at 2pm by teleconferencing. The Applicant was represented by Ms Margaret Thom, Cruz Property Management Ltd. The Respondents were present and represented themselves. Ms Ferrell spoke on behalf of both of the Respondents.
5. Ms Thom said that the Applicants wished to sell as they are now retiring and wished to use the funds from the Property to fund their retirement. Mrs Peffers has not been well recently which has expedited their decision. This is the only rental property that they own.
6. Ms Ferrell said she had no grounds to object to an order being granted. She did not want to leave the Property as she really liked her home, neighbours and the area. She understood and appreciated the reasons that the Applicants wished to sell the Property. She has spoken to her local authority who have advised her that she will go onto the homeless list if the Tribunal makes a decision to grant an order for eviction. She also contacted a local housing association and looked at private rental properties. She will contact her local authority after this CMD. She lives in the Property with the Second Named Respondent and their two children who are aged 1 and 3.
7. The Tribunal accepted that the Respondents wanted to remain in the Property but did not have any legal grounds to object to an order being granted. This is a no fault eviction which has been raised as the Applicants no longer wish to be landlords. The Tribunal accepted that the Applicants wish to sell the Property as part of their retirement.

#### Findings and reason for decision

8. A Private Rented Tenancy Agreement commenced 28<sup>th</sup> February 2020.
9. The Applicant intends to sell the Property as they wish to retire from being landlords.
10. The Respondents have no grounds to object to an order being granted.
11. There are no issues of reasonableness which would prevent an order being granted.

## Decision

12. The Tribunal found that ground 1 has been established and granted an order in favour of the Applicant.

## **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.**

# G Miller

13<sup>th</sup> November 2023

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Legal Member/Chair

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Date