

Housing and Property Chamber
First-tier Tribunal for Scotland



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber)**

Chamber Ref: FTS/HPC/EV/23/2750

Re: Property at 20 Garvald Lane, Denny, FK6 5DA (“the Property”)

Parties:

Clare Huggins, Wells Farmhouse, Burston Road, Thelveton, Diss, IP21 4EQ (“the Applicant”)

Mr Stuart Macnamee, Mr Marc Humble, 20 Garvald Lane, Denny, FK6 5DA (“the Respondents”)

Tribunal Members:

Virgil Crawford (Legal Member) and Frances Wood (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that

BACKGROUND

1. By Lease dated 19th March 2020 the Applicant let the Property to the Respondents.
2. The Applicant served a notice to leave upon the Respondents seeking possession of the Property on the basis that she intended to sell the Property.
3. A notice in terms of Section 11 of the Homelessness etc. (Scotland) Act 2003 was intimated to the Local Authority.

THE CASE MANAGEMENT DISCUSSION

4. A case management discussion was assigned to take place by way of teleconference at 2pm on 27th October 2023. The Applicant was

represented by Mr Barr of DJ Alexander Lettings Ltd. Both Respondents participated personally in the case management discussion.

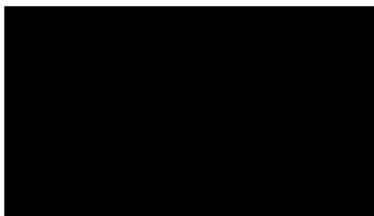
5. The parties were in agreement that an order for eviction should be granted. Mr McNamee and Mr Humble advised the Tribunal that they intended vacating the Property on 31st October 2023, thereby granting vacant possession to the Applicant on that date. Mr Barr, on behalf of the Applicant, still requested that an eviction order be granted to protect the Applicants position. The Respondents, in the knowledge that any eviction order would be subject to the terms of the Cost of Living (Tenant Protection) (Scotland) Act 2022, and, therefor, not enforceable until a significant period of time after their intended date of removal, were content that an order be granted.
6. In the circumstances, the Tribunal granted an order for eviction of the Respondents from the Property.

DECISION

The Tribunal granted an order against the Respondents for eviction of the Respondents from the Property under section 51 of the Private Housing (Tenancies) (Scotland) Act 2016, under ground 1 of schedule 3 of said Act.

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.



27 October 2023

Legal Member/Chair

Date