



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 6 November 2023 of the Private Housing (Tenancies) (Scotland) Act 2016 (“The Act”)**

**Chamber Ref: FTS/HPC/EV/23/1873**

**Re: Property at Flat 5 (Top Left), 25 Bonhill Road,, Dumbarton, G82 2DJ (“the Property”)**

**Parties:**

**Lacesston Developments, C/O 42 The Lairs, Blackwood, ML11 9YW (“the Applicant”)**

**Mr Jamie Sanderson, Ms Ashley Wilson, Flat 5 (Top Left), 25 Bonhill Road,, Dumbarton, G82 2DJ (“the Respondents”)**

**Tribunal Members:**

**Andrew McLaughlin (Legal Member) and Leslie Forrest (Ordinary Member)**

**[1] The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted the Application and made an Eviction Order.**

### **Background**

[2] The Applicant seeks an Eviction Order under ground 1 of Schedule 3 of the Act. The Application is accompanied by a copy of the tenancy agreement, the notice to leave relied on with proof of service, the notice under section 11 of the Homelessness (etc) (Scotland) Act 2003 and evidence of certain steps taken in preparation for marketing the Property.

### **The Case Management Discussion**

[3] The Application called for a Case Management Discussion (CMD) by conference call at 2pm on 6 November 2023. The Applicant was represented by Ms Nicola Edwards. The Respondents were personally present. The Tribunal carefully discussed the substance of the Application with both parties and considered the reasonableness or

otherwise of the order sought. Having heard representations and having considered the whole circumstances of the case, 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 on a Private Residential Tenancy Agreement that commenced on 28 September 2019;*
- II. *On 1 March 2023, the Applicant competently served a Notice to Leave on the Respondent under ground 1 of the tenancy;*
- III. *The Applicant wishes to sell the Property because it has structural issues that require repair and the Applicant simply no longer considers it economically viable to continue as a landlord.*
- IV. *The Respondents reside in the Property with an infant and two school age children who also live there at weekends and on holidays. The Property has two bedrooms which is no longer big enough for the Respondents who now wish to move in any event. The Respondents can only receive assistance from the local authority if an Eviction Order is granted. The Respondents actively want the Tribunal to grant an Eviction Order.*
- V. *The ground relied on is established and it is reasonable to grant the Eviction Order.*

### **Decision**

[5] The Tribunal granted the Application and made an Eviction Order.

### **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

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Legal Member/Chair

6 November 2023

Date