



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 51 (1) of the Private Housing
(Tenancies) (Scotland) Act 2016 “The Act”**

Chamber Ref: FTS/HPC/EV/23/0440

Re: Property at 12 Morar Place, Newton Mearns, G77 6UA (“the Property”)

Parties:

Mrs Keiko Latta, 2/1 197 Great Western Road, Glasgow, G4 9EB (“the Applicant”)

**Mr Patrick Wilson, Sheree Wilson, Kathleen Wilson, 12 Morar Place, Newton
Mearns, G77 6UA (“the Respondent”)**

**Tribunal Members: Mr Andrew McLaughlin: Legal Member
Mr Gerard Darroch: Ordinary Member**

Decision

**[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 in terms of ground 5 of Schedule 3 of the Act on the basis that she wishes for a family member to move into the let Property. The Application had been opposed by the Respondents who were legal represented and who sought to present evidence highlighting health issues that they said would make the granting of the Application unreasonable.

[3] Ultimately, a Hearing was fixed. Prior to the Hearing date, both parties confirmed that a resolution had been arranged between the respective parties and their legal representatives and the Tribunal was simply invited to make an Eviction Order. The Tribunal considered these representations alongside the other documentary evidence before the Tribunal.

[4] Having done so, the Tribunal made the following findings in fact.

Findings in Fact

- I. The parties entered into a Private Residential Tenancy Agreement whereby the Applicant let the Property to the Respondents;*
- II. The Applicant wishes for her son and his family to move into the Property;*
- III. The Applicant competently served a notice to leave and a notice under s11 of the Homelessness (etc) (Scotland) Act 2003;*
- IV. Ground 5 is established and it is reasonable to make an Eviction Order.*

Reasons for Decision

[5] Having made the above findings in fact, 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

Legal Member/Chair

11 December 2023

Date