

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/23/3191

Re: Property at 43 Northfield Road, Denny, FK6 6LA (“the Property”)

Parties:

Ms Linda Campbell, 22 Northfield Road, Dunipace, Denny, FK6 6JZ (“the Applicant”)

Miss Ashley Moffat, Mr Ross McLuckie, 43 Northfield Road, Denny, FK6 6LA (“the Respondents”)

Tribunal Members:

Nicola Irvine (Legal Member) and Mary Lyden (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant is entitled to the Order sought for recovery of possession of the property.

Background

1. The Applicant submitted an application under Rule 109 for an order to evict the Respondents from the property.
2. A Convenor of the Housing and Property Chamber (“HPC”) having delegated power for the purpose, referred the application under Rule 9 of the Rules to a case management discussion (“CMD”).
3. Letters were issued on 8 November 2023 informing both parties that a CMD had been assigned for 21 December 2023 at 10am, which was to take place by conference call. In that letter, the parties were also told that they required to take part in the discussion and were informed that the Tribunal could make a decision today on the application if the Tribunal has sufficient information and

considers the procedure to have been fair. The Respondents were invited to make written representations by 29 November 2023. No written representations were received by the Tribunal.

The case management discussion

4. The CMD took place by conference call. The Applicant and Respondents joined the conference call. The Tribunal explained the purpose of the CMD. The Applicant explained that since March 2023, she has been living with her elderly parents and has a short commute from there to her place of employment. Prior to that, the Applicant was living with her partner in Livingston, but the commute became a problem and as a consequence she wishes to move back to the property. This is the only property owned by the Applicant. The Respondents did not oppose the application. They have 2 young children and they are both in employment. They have been in contact with the local authority and other agencies but no alternative accommodation has been identified for them.

Findings in Fact

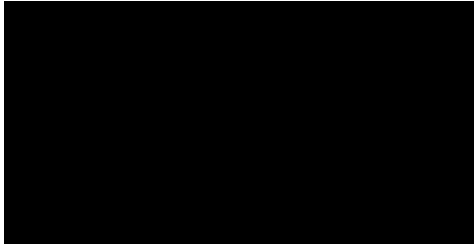
5. The parties entered into a private residential tenancy which commenced 11 June 2021.
6. The Applicant served Notice to Leave on the Respondents by email on 14 June 2023.
7. The Applicant intends to live in the let property.

Reason for Decision

8. The Tribunal proceeded on the basis of the documents lodged and the submissions made at the CMD. The Applicant relied upon ground 4 of the Private Housing (Tenancies) (Scotland) Act 2016. The Applicant explained the reason she wished to move back to live in the property. The Respondents did not oppose the application for an eviction order. The Tribunal was satisfied that ground 4 had been established and that it was reasonable to grant the order sought.

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.



Legal Member/Chair

21 December 2023

Date