



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland  
(Housing and Property Chamber) under Section 19 of the Housing (Scotland)  
Act 1988**

**Chamber Ref: FTS/HPC/EV/23/2144**

**Re: Property at 10 Upper Kinneddar, Saline, Dunfermline, KY12 9TR (“the  
Property”)**

**Parties:**

**Miss Vivianne MacFarlane, 9 Loch Road, Saline, Dunfermline, KY12 9UL (“the  
Applicant”)**

**Mr Peter Doherty, Mrs Heather Doherty, 10 Upper Kinneddar, Saline,  
Dunfermline, KY12 9TR (“the Respondents”)**

**Tribunal Members:**

**Alison Kelly (Legal Member) and Melanie Booth (Ordinary Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the  
Tribunal”) determined that an order for eviction should be made.**

**Background**

1. On 29<sup>th</sup> June 2023 the Applicant lodged an Application with the Tribunal under Rule 109 of the First Tier Tribunal for Scotland (Housing and Property Chamber Rules of Procedure) 2017 (“The Rules”), seeking an order to evict the Respondents from the property.
  
2. Lodged with the application were: -
  - i. Copy Short Assured Tenancy Agreement showing an initial period of 26<sup>th</sup> June 2014 to 26<sup>th</sup> December 2014 and monthly thereafter

- ii. Copy AT5;
  - iii. Copy Notice to Quit
  - iv. Copy section 33 notice
  - v. Section 11 Notice;
3. The Application was served on the Respondents by Sheriff Officers on 29<sup>th</sup> November 2023.
  4. On 11<sup>th</sup> December 2023 written submissions were lodged by Frontline Fife on behalf of the Respondents. They indicated that they were not opposing the order being granted.
  5. On the morning of the Case Management Discussion the Applicant telephoned the Tribunal office to advise that the Respondents had now been allocated a local authority property.

### **Case Management Discussion**

6. The Case Management Discussion (“CMD”) took place by teleconference. The Applicant represented herself. The Respondents were represented by Miss Watson of Frontline Fife.
7. The Chairperson explained the purposes of a CMD in terms of Rule 17 of the Rules.
8. The Applicant confirmed that she was seeking an eviction order.
9. Miss Watson confirmed that the Respondents were not opposing the order. They have been allocated a local authority property which they will be moving in to on 25<sup>th</sup> February 2024.

### **Findings in Fact**

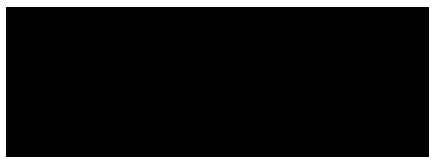
- a. The parties entered into a Short Assured Tenancy Agreement in respect of the property;
- b. Notices to Quit and section 33 Notices had been served correctly;
- c. The Application was served on the Respondents by Sheriff Officer on 29<sup>th</sup> November 2023;
- d. The Respondents are not opposed to the order being granted.

### **Reasons For Decision**

The Tribunal were satisfied that the ground of eviction had been established. They were also satisfied that it was reasonable to grant the order as the Respondents were not opposed to it and had secured another property.

## 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.



26<sup>th</sup> January 2024

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Legal Member/Chair

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Date