



**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/23/2573**

**Re: Property at 126 Dunsinane Drive, Perth, PH1 2EF (“the Property”)**

**Parties:**

**Mrs Deborah Diane Kathleen Eltringham, James William George Sturgess, 24 Paradise Place, Bridge of Earn, Perthshire, PH2 9AR; 2 Scroggiehill, Almondbank, Perth, PH1 3NL (“the Applicant”)**

**Mr Daniel Davidson, Ms Morgan Anderson, 126 Dunsinane Drive, Perth, PH1 2EF (“the Respondent”)**

**Tribunal Members:**

**Andrew McLaughlin (Legal Member) and Ahsan Khan (Ordinary Member)**

**Decision (in absence of the Respondent)**

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

**Background**

[2] The Applicants seek an Eviction Order under ground 1 of Schedule 3 of the Act. The Application had been continued previously because a notice to leave had not been served on the Second Respondent, Ms Morgan Anderson. A notice to leave had only been served on Mr Daniel Davidson. The Application had been continued for a further notice to leave to be served on Ms Anderson. Both Respondents had been eager for the Tribunal to issue an Eviction Order, but the Tribunal could not excuse the failure to serve any notice to leave on one of the two joint tenants.

## **The Hearing**

[3] The Application then called for a further Case Management Discussion (CMD) by conference call at 10 am on 16 May 2024. The Applicants were once again represented by Ms Hallgarth-Myles. The Respondents were personally present. Neither party had any preliminary matters to raise. The Applicants had now adequately served a notice to leave on Ms Anderson. The Respondents remained of the view that they themselves also wished the Tribunal to grant the Application. This was so that they could receive support in finding alternate accommodation from the local authority. Having heard from parties, the Tribunal made the following findings in fact.

## **Findings in Fact**

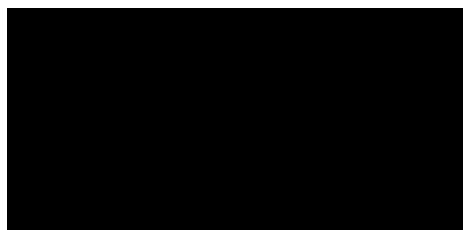
- I. *The Applicants let the property to the Respondents by virtue of a Private Residential Tenancy Agreement;*
- II. *The Applicants now wish to sell the Property;*
- III. *The Applicants have now competently served a notice to leave under ground 1 on both Respondents;*
- IV. *The Applicants have complied with Section 11 of the Homelessness (etc) (Scotland) Act 2003;*
- V. *The Respondents wish the Tribunal to make an Eviction Order so that they can obtain assistance to obtain alternate accommodation. They no longer wish to reside in the Property.*

## **Reasons for Decision**

[4] Having made the above findings in fact, the Tribunal considered that ground 1 of Schedule 3 of the Act was established and that it was reasonable to grant the Application.

## **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

16 May 2024

Date