



**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**

**Chamber Ref: FTS/HPC/EV/23/3547**

**Re: Property at 26 Campbell Close, Hamilton, South Lanarkshire, ML3 6BF (“the Property”)**

**Parties:**

**Mr Craig Easton, Mr Jim Easton, 27 Stewart Drive, Glasgow, G81 6AF (“the Applicant”)**

**Mr Kamil Szczepanik, 26 Campbell Close, Hamilton, South Lanarkshire, ML3 6BF (“the Respondent”)**

**Tribunal Members:**

**Andrew McLaughlin (Legal Member) and Mary Lyden (Ordinary Member)**

**Decision**

**[1] The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted the Application and made an Eviction Order on the provision that the order may not be enforced until 13 August 2024.**

**Background**

[2] The Applicant seeks an Eviction Order under ground 1A of Schedule 3 of the Act. The Application is accompanied by a copy of the tenancy agreement and the notice to leave with proof of service. The relevant notice under Section 11 of the Homelessness (etc) (Scotland) Act 2003 is also produced.

## **The Case Management Discussion**

[3] The Application called for a Case Management Discussion (CMD) by conference call at 2 pm on 13 June 2024. The Applicants were represented by their letting agent, Ms McShane. The Respondent was also personally present. Neither party had any preliminary matters to raise. The Tribunal discussed the Application with the Respondent. He confirmed that he wished to leave the Property but wanted more time to organise his departure. He had serious health issues and had been diagnosed with cancer. He also lived in the Property with his daughter. He didn't like the Property and thought there were many repairing issues that needed addressed. He also said that there was black mould. He acknowledged that he had accrued significant rent arrears which were now in excess of £6,000.00. The Respondent confirmed that he wished an extra month to organise his departure and find alternate accommodation. Having heard from parties, the Tribunal made the following findings in fact.

## **Findings in Fact**

- I. *The Applicants let the property to the Respondent by virtue of a Private Residential Tenancy Agreement within the meaning of the Act;*
- II. *The Applicants now wish to sell the Property to alleviate financial hardship caused by a chronic non-payment of rent by the Respondent.*
- III. *The Applicants have competently served a notice to leave under ground 1A on the Respondent;*
- IV. *The Applicants have complied with Section 11 of the Homelessness (etc) (Scotland) Act 2003;*
- V. *The Respondent wishes to leave the Property but would like an extra month to organise his departure.*

## **Reasons for Decision**

[4] Having made the above findings in fact, the Tribunal considered that ground 1A of Schedule 3 of the Act was established and that it was reasonable to make an Eviction Order. The Tribunal granted the Application but considered that it was reasonable to do so on the provision that the order may not be enforced until 13 August 2024.

## **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

13 June 2024

Date