



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber)**

Chamber Ref: FTS/HPC/EV/23/3799

Re: Property at 52 Castle Street, Broughtyferry, DD5 9AF (“the Property”)

Parties:

Mr Gassan Al-Shybani, 21 Kirkton Terrace, Carnoustie, DD7 7BZ (“the Applicant”)

Ms Gillian Pearce, 52 Castle Street, Broughty Ferry, Dundee, DD5 2EJ (“the Respondent”)

Tribunal Members:

Virgil Crawford (Legal Member) and Gerard Darroch (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that

BACKGROUND

1. By Lease dated 25th May 2021, the Applicant let the Property to the Respondent.
2. The Applicant wishes vacant possession to enable his son to live within the Property.
3. A notice to leave was served upon the Respondent.
4. A notice in terms of s11 of the Homelessness Etc. (Scotland) act 2003 was intimated to the local authority.
5. An application seeking an order for eviction was subsequently submitted to the tribunal.

THE CASE MANAGEMENT DISCUSSION

6. A Case Management Discussion was held by teleconference at 2pm on 21st June 2024. The Applicant was represented by Miss G Cowan of Rollos Law, Fife. Mr J Douglas also attended as an observer. The Respondent was represented by Miss C Goodson of Dundee Law Centre.
7. Ms Cowan confirmed her client was seeking an order for eviction to enable his son to occupy the Property.
8. Miss Goodson did not consent to the grant of an order but was not in a position to advance any grounds of opposition.
9. The Tribunal enquired as to the personal circumstances of the Respondent. Miss Goodson advised the Respondent lives alone. She has a five year old son who lives with another family member nearby. There are no significant health issues. The Respondent has been engaging with advisors in relation to securing alternative accommodation in anticipation of an eviction order being granted.
10. Having regard to the ground on which an eviction was sought, which was not disputed by the Respondent, and having regard to the absence of any other grounds upon which an order should be refused, the Tribunal granted an order for eviction.

DECISION

The Tribunal granted an order against the Respondent for eviction of the Respondent from the Property under section 51 of the Private Housing (Tenancies) (Scotland) Act 2016, under ground 5 of Schedule 3 to said Act

Order not to be executed prior to 12 noon on 29 July 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.

Virgil Crawford

21 June 2024

Legal Member/Chair

Date