



**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/23/3807**

**Re: Property at 34D Gertrude Place, Barrhead, G78 1JZ (“the Property”)**

**Parties:**

**Mr Brian Thorrat, 1 Berelands Gardens, Prestwick, KA9 2LX (“the Applicant”)**

**Miss Sharon Kerr, 34D Gertrude Place, Barrhead, G78 1JZ (“the Respondent”)**

**Tribunal Members:**

**Andrew McLaughlin (Legal Member) Gerard Darroch (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 24 September 2024.**

**Background**

[2] The Applicant seeks an Eviction Order under ground 1 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 10 am on 24 June 2024. The Applicant was represented by their letting agent, Ms

McLelland of Castle Residential. The Respondent was also personally present. Neither party had any preliminary matters to raise. The Tribunal discussed the Application with the Respondent. She confirmed that she wished to leave the Property as it was not suitable for her disabled grandson who now lived with her. The Respondent acknowledged that she had accrued rent arrears. The Tribunal discussed the Respondent's situation with her. She had taken advice from the housing department of the relevant local authority who were assisting her. The Respondent was accepting of the need to move from the Property as it was on the first floor and her grandson would shortly require a wheelchair. Having heard from parties, the Tribunal made the following findings in fact.

### **Findings in Fact**

- I. *The Applicant let the property to the Respondent by virtue of a Private Residential Tenancy Agreement within the meaning of the Act;*
- II. *The Applicant now wishes to sell the Property to release funds to pay funeral expenses following on from a recent bereavement;*
- III. *The Applicant has competently served a notice to leave under ground 1 of Schedule 3 of the Act on the Respondent;*
- IV. *The Applicant has complied with Section 11 of the Homelessness (etc) (Scotland) Act 2003;*
- V. *The Respondent wishes to leave the Property but would benefit from extra time to secure alternate accommodation from the local authority.*

### **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 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 24 September 2024. This will hopefully allow the Respondent and her grandson time to find alternate accommodation and hopefully avoid the need for any short-term urgent placements until such time as a further permanent home can be found.

### **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.

A. McLaughlin

Legal Member/Chair

24 June 2024

Date