



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/EV/24/0340

Re: Property at 10a Miller Road, Luncarty, Perth, PH1 3UP (“the Property”)

Parties:

Mrs Joyce Stewart, 90, 13 Myrtle Road, Scone, Perth, PH2 6QY (“the Applicant”)

Ms Lisa Peebles, Mr Steven Johnson, 10a Miller Road, Luncarty, Perth, PH1 3UP (“the Respondents”)

Tribunal Members:

Andrew Upton (Legal Member) and Angus Lamont (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that (i) the Applicant intends to live in the Property, (ii) it is reasonable to grant an eviction order, and (iii) the Private Residential Tenancy between the Parties shall terminate on 29 July 2024.

Statement of Reasons

1. This Application called for its Case Management Discussion by teleconference call on 27 June 2024. The Parties were all in attendance.
2. In this Application the Applicant seeks an eviction order. Her position is that she has separated from her husband and requires the Property to live in. The Property was formerly her home, and she now wishes to return to it. Notice to Leave has been given to the Respondents on that basis.
3. The Respondents do not dispute that the Applicant intends to live in the Property, or that it is reasonable to grant the eviction order. They have spoken to the local authority about being rehoused, but will not receive priority unless

and until an eviction order is granted against them. They have kept the local authority apprised of the progress of this Application.

4. In terms of Rule 17(4) of the First-tier Tribunal Housing and Property Chamber Rules of Procedure 2017, the Tribunal may do anything at a CMD that it may do at a Hearing, including make a Decision.
5. In all of the circumstances, and in particular on the basis that the Respondents do not wish to dispute the Application or the reasonableness of granting the eviction order, the Tribunal is satisfied that the requirements of Ground 4 of Schedule 3 to the Private Housing (Tenancies) (Scotland) Act 2016 (Landlord intends to live in the Property) are met and that it is reasonable to grant an eviction order.
6. For the purposes of section 51(4) of the 2016 Act, the Private Residential Tenancy between the Parties will terminate 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.

Andrew Upton

27 June 2024

Legal Member/Chair

Date