



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

**Chamber Ref: FTS/HPC/EV/24/1268**

**Re: Property at 17 Ballantrae Terrace, Dundee, DD4 8PP (“the Property”)**

**Parties:**

**Mr Christopher Kane, Mrs Carrie-Anne Kane, Craig Road, Montrose, DD10 9RH; 5 Craig Road, Ferryden, Montrose, DD10 9RH (“the Applicants”)**

**Ms Lynne Findlay, 17 Ballantrae Terrace, Dundee, DD4 8PP (“the Respondent”)**

**Tribunal Members:**

**Virgil Crawford (Legal Member) and Sandra Brydon (Ordinary Member)**

**Decision**

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

**BACKGROUND**

1. By lease dated 5 October 2018 the Applicants let the Property to the Respondent.
2. The Applicants served a Notice to Leave upon the Respondent intimating they wished vacant possession as they intended to sell the Property.
3. A Notice in terms of s11 of the Homelessness Etc. (Scotland) Act 2003 was intimated to the Local Authority.
4. An Application was presented to the Tribunal seeking an order for eviction on the basis the Applicants intends to sell the Property.
5. The Applicants provided proof of their intention to sell the Property.

## **THE CASE MANAGEMENT DISCUSSION**

6. A Case Management Discussion was assigned to be held by teleconference at 2pm on 8 July 2024. The Applicants did not participate personally but were represented by Mr Brown of Messrs Michael A Brown, Solicitors, Dundee. The Respondent participated in the Case Management Discussion. She was represented by Mr Marshall of Dundee Law Centre.
7. Mr Brown, on behalf of the Applicants, moved the Tribunal to grant an order for eviction.
8. Mr Marshall, on behalf of the Respondent, advised the Tribunal that there was no opposition to this. He advised he did not intend making any arguments in relation to reasonableness. He explained that the Respondent has already secured alternative accommodation and has started packing up her personal belongings to move into her new accommodation. In the circumstances, as stated, there was no opposition to the order sought being granted.
9. Having regard to the agreement of the parties, the Tribunal confirmed it would grant an Eviction Order as requested.

## **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 1 of Schedule 3 to said Act.

Order not to be executed prior to 12 noon on 14 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**

Virgil Crawford

July 2024

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Legal Member/Chair

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Date