



**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/23/4537**

**Re: Property at 28 Southcroft, Alva, FK12 5BB (“the Property”)**

**Parties:**

**Mr Charles Watters, Mrs Teresa Watters, The Highlands, Chiltern Hill, Chalfont St Peter, SL9 9TZ (“the Applicant”)**

**Mr Alastair Kirk, 28 Southcroft, Alva, FK12 5BB (“the Respondent”)**

**Tribunal Members:**

**Nicola Irvine (Legal Member) and Gerard Darroch (Ordinary Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicants are entitled to the Order sought for recovery of possession of the property.**

**Background**

1. The Applicants submitted an application under Rule 109 for an order to evict the Respondent from the property.
2. A Convenor of the Housing and Property Chamber (“HPC”) having delegated power for the purpose, referred the application under Rule 9 of the Rules to a case management discussion (“CMD”).
3. Letters were issued on 24 May 2024 informing both parties that a CMD had been assigned for 1 July 2024 at 10am, which was to take place by conference call. In that letter, the parties were also told that they were required to take part in the discussion and were informed that the Tribunal could make a decision today on the application if the Tribunal has sufficient information and considers the procedure to have been fair. The Respondent was invited to make written representations by 14 June 2024. No written representations were received.

**The case management discussion – 1 July 2024**

4. The CMD took place by conference call. The Applicants and the Respondent joined the call and represented themselves. The Respondent was joined by a supporter, Ms Pauline Thomson. The Tribunal explained the purpose of the CMD. The Respondent explained that the application was not opposed. The Respondent has been in contact with the local authority and he received a homelessness decision on 28 June 2024. The Respondent lives alone in the Property and is not in employment. He has mobility issues and the local authority has been made aware of that. The Applicants explained that they are selling the principal home and they intend to sell the Property so that they can cease activity as landlords.
5. The Tribunal adjourned briefly to consider the information provided by the parties. The Tribunal explained that it found the ground of eviction established and that it was reasonable to grant the order.

### **Findings in Fact**

6. The parties entered into a private residential tenancy which commenced 15 November 2018.
7. The Applicants served the Notice to Leave to the Respondent by email on 6 July 2023.
8. The Applicants intends to sell the Property.

### **Reason for Decision**

9. The Tribunal proceeded on the basis of the documents lodged and the submissions made at the CMD. The Applicant relied upon ground 1 of the Private Housing (Tenancies) (Scotland) Act 2016. The Applicants had produced a selling agreement from the estate agent instructed by them which confirms the intention to sell. The Tribunal was satisfied that ground 1 had been established. The Respondent did not oppose the application and has been in contact with the local authority in relation to alternative accommodation. The Tribunal was satisfied in all of the circumstances that it was reasonable to grant the order sought.

### **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.**

Legal Member/Chair

— 1 July 2024  
Date