



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/23/0788 and FTS/HPC/EV/23/2099

Re: Property at 7/2 Loganlea Terrace, Edinburgh, EH7 6NU (“the Property”)

Parties:

Mrs Lorna Dunbar, 128 Barleyknowe Road, Gorebridge, EH23 4DY (“the Applicant”)

Mr Dale Neish, 7/2 Loganlea Terrace, Edinburgh, EH7 6NU (“the Respondent”)

Tribunal Members:

Andrew McLaughlin (Legal Member) and Sandra Brydon (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 8 October 2024.

Background

[2] In Application with reference FTS/HPC/EV/23/0788, the Applicants seeks an Eviction Order under grounds 1 and 1A of Schedule 3 of the Act. In Application with reference FTS/HPC/EV/23/2099, the Applicants seek an Eviction Order under ground 14 of the same Schedule. The Applications had called for a Case Management Discussion and then been continued to a Hearing for evidence to be heard.

The Hearing

[3] The Applications then called for a Hearing by conference call at 10 am on 8 August 2024. The Applicants were personally present. The Respondent was also personally present together with his representative, Mr Wilson. An agreement had now been reached whereby the Respondent would consent to an order being granted under ground 1 with some additional time being allowed before the order could be enforced. There was therefore a joint position before the Tribunal to make an eviction order under ground 1 which may not be enforced until 8 October 2024. It was agreed then that the Tribunal would refuse Application with reference FTS/HPC/EV/23/2099.

[4] Having heard from parties, the Tribunal made the following findings in fact.

Findings in Fact

- I. *The Applicants let the property to the Respondent by virtue of a Private Residential Tenancy Agreement within the meaning of the Act;*
- II. *The Applicants now wish to sell the Property;*
- III. *The Applicants have competently served a notice to leave under ground 1 on the Respondent;*
- IV. *The Applicants have complied with Section 11 of the Homelessness (etc) (Scotland) Act 2003;*
- V. *The Respondent wishes to leave the Property but would like an extra month to organise his departure.*

Reasons for Decision

[5] 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 8 October 2024. The Tribunal refuses Application with reference FTS/HPC/EV/23/2099.

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

—

8 August 2024

Date