



**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/24/0577**

**Re: Property at 4 Hillhead, Bonnyrigg, Midlothian, EH19 2AH (“the Property”)**

**Parties:**

**Ms Lucy Harvey, 22 Broomieknowe, Edinburgh, EH18 1LN (“the Applicant”)**

**Ms Jade Easter, 4 Hillhead, Bonnyrigg, Midlothian, EH19 2AH (“the Respondent”)**

**Tribunal Members:**

**Lesley-Anne Mulholland (Legal Member) and Ann Moore (Ordinary Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an Order for Eviction be granted in favour of the Applicant against the Respondent.**

1. This is an application under Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016 for an Eviction Order as the Applicant Landlord intends to sell the property.
2. The Applicant is the owner and landlord. The Respondent is the Tenant.
3. A two-member Case Management Discussion (CMD) took place at 14.00 pm on 23 August 2024 by teleconference. The Applicant was represented by Mr Dobbin. The Respondent represented herself.
4. The Applicant owns 2 properties; the one she lives in and the other rented to the Respondent.
5. The Applicant has been struggling financially and needs to sell the property. She is self-employed and her income is insufficient to meet her ongoing

obligations. She has suffered stress because of the circumstances she finds herself in.

6. The Respondent is a single parent with 2 children, one of whom has special needs. The property is handy for the children's school. One of the children attends a special needs school. She is disappointed to hear that the Applicant needs to sell to alleviate financial hardship as she let the Applicant know, before agreeing to the Tenancy, that she wanted to stay there long term for the stability and security for her family and was assured that would be possible. She understands that circumstances may change and be outwith the Applicant's control.
7. She understands there is little that she can do to resist the eviction. She has approached the local authority who informed her to wait until an order is granted before they would find suitable, alternative accommodation.
8. Having considered all of the information individually and together, we were satisfied that the Applicant is suffering financial hardship, is entitled to sell the let property, and intends to sell it for market value, or at least put it up for sale, within 3 months of the Tenant ceasing to occupy.
9. We were satisfied that it was reasonable to issue an eviction order in all the circumstances, as the Local Authority are aware of the application and have a duty to find accommodation for the Respondent.
10. Accordingly, we decided to issue an Order as Schedule 3 (2) of the Private Housing (Tenancies) (Scotland) Act 2016 is satisfied.

## **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.**

Lesley-Anne Mulholland

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**Date 23 August 2024**

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**Legal Member/Chair**